

प्राधिकार से प्रकाशित

## PUBLISHED BY AUTHORITY

do 7]

**मई बिल्ली, शनिवार, फरवरी 18, 1967/माथ 29, 1888** 

No. 7]

NEW DELHI, SATURDAY, FEBRUARY 18, 1967/MAGHA 29, 1888

इस भाग में भिन्न पृष्ठ संख्या जी जाती है जिससे कि यह ग्रालग संकलन के रूप में एका जा सके। Separate paging is given to this Part in order that it may be filed as a separate compilation.

## मीटिस

## NOTICE

नीचे लिखे भारत के असाधारण राजपत्र 4 फरवरी, 1967 तक प्रकाशित किये गये :--

The undermentioned Gazettes of India Extraordinary were published up to the 4th February, 1967: —

Issue No.	No. and Date	Issued by	Subject	
63	S.O. 361, dated 31st Janu- ar <b>y</b> , 1967.	Election Commission India.	Corrections in the Delimitatic Commission's Order No. 1: dated the 25th November, 1965 relating to the State of Mysore (Order No. 11B).	
64	S.O. 420 dated 31st Janu- ary, 1967.	Do.	Corrections in the Delimitation Commission's Order No. 5, dated the 2nd June, 1966 relating to the State of Bihar (Order No. 5D).	
65	S.O. 421, dated 1st February, 1967.	Ministry of Commerce	Further amendments to the Exports (Control) Order, 1962.	
66	S.O. 422, dated 1st Fehruary, 1967.	Election Commission, India.	Amendments in notification No. 464/HP/HP/67, dated the 13th January, 1967.	
	5.O. 423, dated 1st February, 1967.	Do.	The method of voting by ballot is to be followed.	
67	\$.O. 424, dated 1st February, 1967.	Ministry of Com- merce.	Further americment to the Exports (Control) Cider, 1562.	

**39**0

No.	No. and Date		Issued by	Subject
68	S.O. 425, dated 2 ruary, 1957.	nd Feb-	Election Commission, India.	Amendment in notification No 454/G22-HP/66, dated 13th January, 1967.
69	S.O. 426, dated 31 ruary, 1967.	rd Feb-	Ministry of Com- merce.	Quality Control and pre-shipment inspection of pig iron.
	\$.O. 427, dated 30 ruary, 1967.	rd F:5-	Ŋο.	Recognition of the Indian Stan- dards Institution Certification Mark with respect to pig iron.
	\$.O. 428, dated 31 ruary, 1967.	rd Feb-	Do.	Recognition of the Indian Standards Institution as the agency for inspection of the pig iron.
7 <b>0</b>	S.O. 429, dated 3r ruary, 1957.	d Feb-	tion and Broad- ti	Approval of the film as specific1 herein.
71	8.O. 430, dated 41 ruary, 1967.	th Feb-	casting. Ministry of Iron and Steel.	Exempting the categories of steel, specified in the Schedule therein from the privisions cantained in clauses 4, 5, 15, 18, 20 and 27 of the Iron and Stee (Control) Order, 1956.

क्रपर लिखे असाधारण राजपत्नों की प्रतियां प्रकाशन प्रवन्धक, सिविल आह्न्स, दिल्**ली के नाम** मौनपत्न भेजने पर भेज दी आएंगी। पांगपत्र प्रवन्धक के पास इत राजपत्नों के जारी होने की सारीख क सैं 10 दिन के भीतर पहुंच जाने आहिए।

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications Civil Lines, Delhi, Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

# MIN II ... 3 -3 URUM (il)

# PART II—Section 3—Sub-section (ii)

(स्का मंत्रालय को ाड़कर) मारत सरकार क पंजालयों और (पंज क्षत्र प्रशासन को छोड़कर) केन्द्रीय प्राधिकरणों द्वारा जारो किए गए विधिक ब्रादेश और अधिसुवनाएं।

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).

## ELECTION COMMISSION, INDIA

New Delhi, the 4th February 1967

8.0. 525.—In exercise of the powers conferred by sub-section (1) of section 22 of the Representation of the People Act. 1951, the Election Commission hereby directs that the following amendments shall be made in its notification No. 434/GJ/66 dated the 11th November, 1966, namely:—

In the Table appended to the said notification the following amendments shall be made:—

(1) In column 3 against item 19 the entry "5. Officer on Special Duty Financial Directorate Gujarat State, Fertilisers Co. Ltd. Baroda", shall be added.

[No. 4847GJ/00.7

## New Delhi, the 9th February 1967

6.0- 526.—In exercise of the powers conferred by Sub-Section (1) of Section 22 of the Representation of the People Act, 1951, the Election Commission hereby appoints in addition to the officers appointed by its notification No. 434-MT-66(2) dated the 14th December 1967 ended, each officer specified in column 2 of the Table below 1 ... Officers for the Parliamentary Constituency in the State of ... . . . . . . . . . . . . . . in the corresponding entry in column 1 of that Table, in the performance of his functions:—

#### MAHARASHTRA STATE

Serial Number and Name of Constituency	Assistant Returning Officers
I	2
r. Reajpur	(i) Mamlatdar, Rajapur. (ii) Mahalkari, Kankavli. (iii) Mahalkari, Kudal. (iv) Mamlatdar, Malwan. (v) Mahalkari, Vengurla. (vi) Mamlatdar, Deogad. (vii) Mahalkari, Lanja. (viii) Mamlatdar, Ratnagiri.
z. Ratuagiri	(i) Mamlatdar, Ratnagiri. (ii) Mamlatdar, Sangameshwar. (iii) Mamlatdar, Chiplun. (iv) Mamlatdar, Ghuhagar. (v) Mamlatdar, Dapoli. (vi) Mamlatdar, Khed. (vii) Mamlatdar, Mandangad.
3. <b>Kol</b> aba	(i) Mamlatdar, Mahad. (ii) Mahalkari, Poladpur. (iii) Mahalkari, Shriwardhan. (iv) Mahalkari, Mhasala. (v) Mahlakari, Murud. (vi) Mamlatdar, Mangaon. (vii) Mamlatdar, Roha. (viii) Mamlatdar, Poha. (viii) Mahalkari, Sudhagad. (x) Mamlatdar, Alibag. (xi) Mamlatdar, Uran. (xii) Mamlatdar, Panvel.
4. Bombay South	. (i) Chitrus to the Collector, Bombay Suburban District. (ii) 1123d Clerk to the Rehabilitation, Mamlatdar. (iii) Chitrois, Commissioner Office (Revenue Branch). (iv) Rehabilitation Mamlatdar, Bombay Suburban District. (iv) Hatte Officer, Industrial Estate, Kandivli. (iv) O&M Officer Bombay Collectorate.
3. 9) mbay Central South	<ul> <li>(i) Muniarian, Sales Tax Recoveries, D.E. and G. Wards, Bombay.</li> <li>(ii) Special Officer, U.I.P. Tax Commissioner Office Bombay Division.</li> <li>(iii) O and M Officer, Bombay Collectorate.</li> <li>(iv) Head Clerk to the Commissioner, Bombay Division.</li> <li>(v) Mahalkari for Recovery of Government Dues Bombay Suburban District.</li> <li>(vi) Head Clerk to the Collector of Bombay.</li> </ul>

2

T -

6. Bombay Central		. (i)	Mamlatdar for Inspection of Zilla Parishade and Panchayat Samities, Commissioner's Office, Bombay.
		(ii)	Additional Chitnis (Revenue Branch), Com-
		(iii)	missioner's Office, Bombay Division. Polysical Mamlatdar, Income Tax Recoveries, Bombay.
		(iv)	Head Clerk (Development) Commissioner Office, Bombay Division.
		(v) (vi)	City Survey Inquiry Officer, Vile-Parle.  Assistant Chitnis, Commissioner Office, Bombay Division (General Branch).
7. Bombay North West	•	. (i)	Additional Clittus to the Collector, 1 mbay Suburban District,
		(ii) (iii) (iv)	Mamlatdar, Andheri, Quarry Memlatdar, Bombay. Mamlatdar, Kurla.
		$\binom{r}{v}$	Mamleidar, Sales Tex Recoveries, C and F Wards.
		(vi)	Momletdar, Borivli.
8. Bombay North East	•	. (i) (ii)	Assists t Chitnis (Revenue Branch), Commissioner's Office, Bombay Division.  Mamlataar, Kurla.
		(iii)	Mahalkari, (Chitnis Brench), Bembay Suburban Collectorate.
		(iv) (v) (vi) (vii) (viii) (ix) (x)	Mamlatder, Borivli. Memlatdar, Thana. Agricultural Lend Tribunal I, Thena. Agricultural Lend Tribunal II, Thana.
		(xi)	Officer In-charge of Koliwada Colony.
9. Bhiwandi .		(i) (ii) (iii) (iv) (v) (vi) (viii) (ix) (x) (xii) (xiii) (xiii) (xiv) (xiv)	Agricultural Land Tribunal, Bhiwandi, Agricultural Land Tribunal II, Bhiwandi, Mamlatdar, Bassein, Agricultural Land Tribunal I, Bassein, Agricultural Land Tribunal II, Bassein, Mamlatdar, Haveli, Poona, Mamlatdar, Mayal.
10. Dehanu .	•	(t) (ii) (iii) (vi) (v) (vi) (vii) (viii) (xii) (xii) (xiii) (xiii) (xiiv) (xiiv) (xiv) (xvo)	Mamludar, Juwhar. Mahalkari, Mokhada. Agricultural Land Tribunal, Jawhar. Mamludar, Shahapur. Agricultural Land Tribunal I, Shahapur.

	I					2
11. Nasik		<u>-</u>			(i) (ii) (iii) (iv) (v) (vi)	Mamlatdar, Nasik, Momlatdar, Sinnar, Mamlatdar, Niphad, Mamlatdar, Yeola, Mamlatdar, Nandgaon, Mamlatdar, Malegaon,
r2. Malegaon			•		(i) (ii) (iii) (iv) (v) (vi) (vii)	Mamlatdar, Malegaon. Mamlatdar, Chandor. Mamlatdar, Kalwan. Mamlatdar, Dindori. Mahalkari, Peint. Mahalkari, Surgana. Mamlatdar, Baglan.
13. Nandurbar	٠	٠	٠	•	(l) (il) (il) (il) (v) (vi) (vii) (viii) (ix)	Mamlatdar, Sakri. Mamlatdar, Sinkheda. Mamlatdar, Nawapur. Mamlatdar, Nandurb <b>ar</b> . Mamlatdar, Taloda. Mamlatdar, Akkalkuwa. Extra Head Karkun, Ak <b>rani.</b> Mamlatdar, Shahada. Mamlatdar, Shirpur.
14. Dhulia	٠				(i) (ii) (iii) (iv) (v) (vi)	Mamletdar, Sindkheda. Mamlatdar, Dhulia. Mamlatdar, Parola. Mabalkari, Bhadgaon. Mamlatdar, Amalner. Mamlatdar, Chopda.
15. Julgaon .		•	•	•	(i) (ii) (iii) (iv) (v) (vi)	Mamlatdar, Chalisgaon. Mamlatdar, Frandol. Mamlatdar, Jalgaon. Mamlatdar, Pachora. Mamlatdar, Jamner. Mamlatdar, Bhusawal.
r6. Buldana .	•		•	•	$egin{array}{c} (i) \ (ili) \ (ili) \ (iv) \ (v) \ (vi) \ \end{array}$	Mamlatdar, Yawal. Mamlatdar, Raver. Mahalkari, Edlabad. Mamlatdar, Bhusawal. Tahsildar, Malkapur. Tahsildar, Chikhli.
17. Khamgaoa	٠	•	•	•	$\begin{array}{c} (i) \\ (il) \\ (ill) \\ (iv) \\ (v) \\ (vi) \end{array}$	Tahsildar, Mehkar. Tahsildar, Chikhli. Tahsildar, Khamgaon. Tahsildar, Jalgaon. Tahsildar, Washim. Tahsildar, Akola.
18. Akola .	•	•		-	(i) (ii) (iii) (iv) (v)	Tahsildar, Akot. Tahsildar, Balapur. Tahsildar, Akola. Tahsildar, Mangrulpir. Tahsildar, Murtizapur.
29. Auszavati	•			٠	(i) (ii) (iii) (iv) (v) (vi)	Tahsildar, Daryapur. Tahsildar, Achalpur. Tahsildar, Melghat. Tahsildar, Amravati. Tahsildar, Morshi. Tahsildar, Chandur.

I

20. Ram	telk	•	٠	•	•		(i) (ii) (iii) (iv) (v) (vi)	Tahsildar, Achalpur. Tahsildar, Morshi." Tahsildar, Nagpur. Tahsildar, Katol. Tahsildar, Saoner. Tahsildar, Ramtek.
21. Na <sub>{</sub>	gpur		•	-			(i) (ii) (iii) (iv) (v)	Tahsildar, Umrer. Tahsildar, Nappur. Additional Tahsildar, Nagpur.) Nazul Tahsildar, Nagpur. Small Savings Mamlatdar, Nagpur.
22. Bh	ındara	'	•	•	•		(i) (ii) (iii) (iv) (v)	Nalb Tahsild <b>ar, Tumsar.</b> Tahsildar, Bhandara. Naib Tahsildar, In-cha <b>rge of Goregaon</b> Revenue Inspection Circle. Naib Tahsildar, Sakoli. Supernumerary Sub-Divisional Officer, <b>Goadh</b>
23. Chin	nur	•		-	•		(i) (ii) (tii) (tv) (v)	Tahsildar, Sakoli. Tahsildar, Bhandara. Tahsildar, Gadchiroli. Tahsildar, Brahmapuri. Tahsildar, Warora.
24. Chan	nda .	•	•		٠	•	(t) (il) (iii) (iv) (v) (vi)	Tahsildar, Gadchiroli. Tahsildar, Sironcha. Tahsildar, Chanda. ; Tahsildar, Rajura. Tahsildar, Brahmapuri. Tahsildar, Warora.
2 <b>9. War</b> d	iha .	-			-	٠	(i) (ii) (iii) (iv) (v) (vi) (vii)	Tahsildar, Arvl. Tahsildar, Wardha. Tahsildar, Hinghanghat." Tahsildar, Wani. Tahsildar, Wani. Tahsildar, Kolapur. Tahsildar, Yeotmal." Additional Tahsildar, Kelapur."
26. Yeoti	mai.	•	•	•	•	٠	(i) (ii) (iii) (iv) (v) (vi) (vii) (viii)	Tahsildar, Kelapur. Additional Tahsildar, Kelapur. Tahsildar, Yeotmal. Additional Tahsildar, Yeotmal. Tahsildar, Darwha. Additional Tahsildar, Darwha. Tahsildar, Pusad. Additional Tahsildar, Pusad.
27. Nand	ed		•	٠	٠	•	(i) (ii) (iv) (v) (vi) (vii)	Tahsildar, Kinwat. Tahsildar, Hadgaon. Tahsildar, Nanded. Tahsildar, Kandhar. Naib Tahsildar, Bhoker. Tahsildar, Billoli. Naib Tahsildar, Mukhed.
28. Latur	r .		•	•		٠	(i) (ii) (iii) (iv) (v) (vi) (vii)	Tahsildar, Degloor, Naib Tahsildar, Mukhed. Tahsildar, Gangakhed. Tahsildar, Pathri. Tahsildar, Ahmedpur. Tahsildar, Udgir. Tahsildar, Latur.

1

				_			<u></u>
29.	Parbhani .	•	•	•	•	(i) (ii) (iii) (iv) (v) (vi)	Tahsildar, Parbhani. Tahsildar, Basmath. Tahsildar, Kalamnuri. Tahsildar, Hingoli. Tahsildar, Jintur. Tahsildar, Partur.
30.	Jaina .	•	•	•	•	(i) (ii) (iii) (iv) (v) (vi) (vii)	Tahsildar, Ambad. 1 Tahsildar, Jalna. Naib Tahsildar, Jaferabad. Tahsildar, Bhokardan. Tahsildar, Sillod. Naib Tahsildar, Soegaon. Tahsildar, Georai.
31.	Aurangabad		•	•	-	(t) (n) (ni) (vi) (vv) (vi) (vii) (vvii) (vvii) (ix)	Tahsildar, Kannad. Naib-Tahsildar, Soegaon. Tahsildar, Vijapur. Tahsildar, Gangapur. Naib Tahsildar, Khudldabad. Tahsildar, Aurangabad. Tahsildar, Paithan. Tahsildar, Ambad. Tahsildar, Sillod.
32.	Bhis .	•	•		٠	(i) (ii) (iii) (iv) (v) (vi)	Tahsildar, Manjlegaon. Tahsildar, Bhir. Naib Tahsildar, Patoda. Tahsildar, Ashti. Tahsildar, Kaij. Tahsildar, Ambajogai.
33.	Osmanebari 	٠	٠	•	٠	(i) (ii) (iii) (iv) (v) (vi) (vii) (viii) (viii) (ix)	Tihsildar, Kallam. Tihsildar, Latur. Tihsildar, Parenda. Nith Tahsildar, Bhoom. Tihsildar, Osmanabad. Tihsildar, Ausa. Tihsildar, Ninga. Tihsildar, Udgir. Tahsildar, Omerga.
34.	Shelspar .	٠	•	٠	٠	(i) (ii) (iii) (iv) (v)	Tahs'ldar, Tuljapur. Tahsildar, Omerga. Mamlatdar, Akkalkot. Mamlatdar, South Sholapur. Mamlatdar, North Sholapur.
3€√	Pandherpur	-		٠		(i) (ii) (iii) (iv) (v) (vi) (vii	Mumlatdar, Mohol. Mumlatdar, Mungalwedha. Mumlatdar, Barsi. Mumlatdar, Madha. Mumlatdar, Pandharpur. Mumlatdar, Sangola. Mumlatdar, Malshiras.
36.	Ahmedinagar	٠	•	•	٠	(i) (ii) (iii) (iv) (v) (vi) (vii) (viii) (ix)	Mumlatdar, Karjat. Muhlkari, Jumkhed. Mamlatdar, Shrigonda. Head Clerk to Collector, Ahmednagar. Mumlatdar, Ahmednagar. Mumlatdar, Nevasa. Mumlatdar, Pathardi. Mumlatdar, Shevgaon. Mumlatdar, Shrirampur.

Mamlatdar, Shrirampur, Mamlatdar, Kopargaon. Kopargaon (ii)(iii) Mımlatdar, Rahuri. Mumlatdar, Parner. (iv)Mimlatdar, Shrigonda. Mamlatdar, Sangamner. (v)(vi)Mamlatdar, Akole. (vii) 38. Khed (i)Mamlatdar, Junnar. Muniatdar, Ambegaon at Ghodegaon. Muniatdar, Khed. Muniatdar, Haveli at Poona. Muniatdar, Puruadhar. (ii)(iii)(iv)(v) (vi) Mımlatdar, Baramati. Mımlatdar, Bhor. Mahalkari, Velhe. (vii) (viii) Mımlıtdar, Mulshi. Mımlıtdar, Hıveli at Poona. 39, Popua (ii) Mumbudar, Poona City. (iii) Minited ir for Siles Tax Recovery, Poons. (iv)Special Land Acquisition Officer-(7), Poona.
Special Land Acquisition Officer, Pawana (v)(vi)Project, Poona. Special Land Acquisition Officer (8), Poons. (vii)Social Lind Acquisition Officer, (6) Poons. (viii) Məmlətdar, Məlshiras. Məmlətdar, Karmala. 40. Baramati (i)(ii)Mumlatdar, Sirup. (iii) Mamlatdar, Dhond. (iv)Mımlıdar, Buramati. (v)  $\langle vi \rangle$ Mimlatdar, Indapur. (i)Mahalkari, Khandala. 41. Satara (ii)Mumlatdar, Phaltan. Mumlatdar, Man. Mumlatdar, Khatav at Vaduj. (iii)(iv)Mımlıtdar, Koregaon. (v)Mımlıtdar, Satara. Mamlatdar, Wai. (vi) (vii) Mumlatdar, Jaoli. Mumlatdar, Satara. 42, Karad (i)(ii) Muhalkari, Mahabaleshwar. (iii) Mumlatdar, Patan. (iv)M ımlatdar, Karad. M ıhalkarı, Shirala. (v)(vi` Mamlatdar, Walva. (vn)Mımlatdar, Khanapur. 43. Sangli (i)Mumlardar, Tasgaon. (ii) Special Land Acquisition Officer, Sangli. (iii) Mamlatdar, Miraj. (iv)Mahalkari, Arpadi. Mahalkari, Kavathe-Mahankal. (v)(vi)(vii) Mamlatdar, Jath. Mumlatdar, Shirol. 44. Hatkamangale. (i)Mimlatdar, Hatkanangale.
Ad litional Munitadar and Agricultural
Tribunal—Hatkanangale. (ii)(in) Land

I	2
	(iv) 1st Additional Mamlatdar and Agricultural Land Tribunal, Karvir. (v) Mamlatdar, Shahuwad (vi) Mahalkari, Panhala. (vii) Mahalkari, Bawada. (viii) Mamlatdar, Radhanagari. (ix) Mamlatdar, Bhudargad.
45. Kolhapur	(i) Mimlatdar, Karvir. (ii) Mamlatdar, Sawaniwadi. (iii) 3rd Additional Mimlatdar and Agricultural Land Tribunal, Karvir. (iv) Mimlatdar, Kagal. (v) Mamlatdar, Radhanagari. (vi) Mimlatdar, Gadhinglaj. (vii) Minlatdar, Chardgad.

[No. 434/MT/66(11).]

S.O. 527.—In exercise of the powers conferred by sub-section (1) of section 22 of the Representation of the People Act, 1951, the Election Commission hereby directs that the following amendments shall be made in its notification No. 434/AP/65, dated the 11th January, 1967, namely:—

In the Table appended to the said notification,

- (i) in item 1 for the entry "4. Forest Settlement Officer, Srikakulam" in column 3, the entry "4. Commercial Tax Officer, Srikakulam" shall be substituted;
- (ii) in item 2 for the entry "2, Forest Settlement Officer, Srikakulam" in column 3, the entry "2, Commercial Tax Officer, Srikakulam" shall be substituted:
- (iii) in item 3 for the entry "5. Forest Settlement Officer, Srikakulam" in column 3, the entry "5. Commercial Tax Officer, Srikakulam" shall be substituted;

[No. 434/AP/67.]

By Order,

K. S. RAJAGOPALAN, Secy.

#### New Delhi, the 12th February 1967

**8.0.** 528.—In exercise of the powers conferred by sub-section (1) of section 22 of the Representation of the People Act, 1951, the Election Commission hereby directs that the following amendments shall be made in its notification No. 434/MD/65. dated the 2nd July, 1966, published in the Gazette of India, Part II, Section 3, Sub-Section (ii), No. 29, dated the 16th July, 1966, and republished in the Fort St. George Gazette issue No. 29, dated the 27th July, 1966, namely:

In the table appended to the said notification, the following entries shall be added in column 3 against item Nos. 7 and 35:

- 7. Tiruppattur-4. District Supply Officer, North Arcot, Vellore.
- 85. Sivakasi—5. Special Deputy Collector, Land Acquisition, Cement Factory, Sivakasi.

[No. 434/MD/65.]

By Order.

#### ERRATUM

#### New Delhi, the 25th January 1967

8.0. 529.—In item (ii) to the Commission's notification No. 434/GJ/66, dated the 6th January, 1967, published in the Government of India Gazette Part II section 3(ii);

For "8-President Deputy Collector" read "8-Resident Deputy Collector".

[No. 434/GJ/60.]

By Order,

HARDIP SINGH, Section Officer, for Secy.

## MINISTRY OF HOME AFFAIRS

New Delhi, the 6th February 1967

- 8.0. 530.—In pursuance of clause (1) of article 239 of the Constitution and in partial supersession of the notification of the Government of India in the late Ministry of Labour No. LP. 24(1), da/ed the 16th March, 1949, and also in supersession of all previous notifications of the said Ministry and of the Ministry of Home Affairs relating to the exercise of powers and discharge of functions in the Union territory of Delhi under the Minimum Wages Act, 1948 (11 of 1948) (herematter referred to as the said Act), the President hereby directs that the Administrator of the Union territory of Delhi, shall, subject to the control of the President and until further orders.
  - (i) exercise the powers and discharge the functions of a State Government in relation to any scheduled employment in the said Union territory, for which the appropriate Government is the State Government in terms of sub-clause (ii) of clause (b) of section 2 of the said Act,
  - (ii) discharge the functions of the Central Government in so far as such functions relate to the fixation, review and revision of minimum rates of wages payable to employees employed in stone breaking or stone crushing operations carried on in any quarry in the said Union territory, and
  - (iii) exercise the powers and discharge the functions of the Central Government under the provisions of the said Act other than sections 8. 28 and 29. in relation to---
    - (a) the employment under the Delhi Municipal Corporation, as established by the Delhi Municipal Corporation Act, 1957 (66 of 1957), and
    - (b) the employment and a the New Delhi Municipal Committee, established under the Punjab Municipal Act. 1911 (3 of 1911), as in force in the sald Union territory.

(No. F. 2/9/66-UTL.)

## New Delhi, the 7th February 1967

S.O. 531.—In pursuance of clause (1) of article 239 of the Constitution, the President hereby directs that the Lieutenant Governor of the Union territory of Pondicherry shall, subject to the control of the President and until further orders, exercise the powers and discharge the functions of a State Government under the provisions of the Criminal Law Amendment Act, 1932 (23 of 1932), in that Union territory.

[No. F. 8/3/67-UTL.]

P. N. VASUDEVAN, Dy. Secy.

## New Delhi, the 7th February 1967

- 8.0. 532.—In exercise of the powers conferred by Clause (2) of article 77 of the Constitution, the President bureby makes the following rules further to amend the Authentication (Orders and other Instruments) Rules, 1958, namely:—
- 1. (1) These rules may be called the Authentication (Orders and other taskuments) SECOND Amendment Rules, 1967.

- (2) They shall come into force on the date of their publication in the official Gazette.
- 2. In rule 2 of the Authentication (Order and other Instruments) Rules, 1958 after clause (aj), the following clause shall be inserted, namely:—

(ak) in the case of sanctions for the release of foreign exchange by the Directors and Deputy Directors of the Foreign Exchange Directorate of the Central Water Power Commission.

[No. 3/16/66-Pub L]
FATEH SINGH, Jt. Secy.

#### MINISTRY OF EXTERNAL AFFAIRS

New Delhi, the 7th February 1967

\$.0. 533.—In pursuance of Clause (a) of Section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948, the Central Government hereby authorises Shri A. N. Sachar, Assistant in the Vice-Consulate of India, Zahidan to perform the duties of a Consular Agent with effect from the 19th January, 1967 until further orders.

[No. T.4330/1/67,]

S. K. CHATTERJEE, Under Seev.

#### MINISTRY OF FINANCE

#### (Department of Economic Affairs)

New Delhi, the 9th February 1967

5.0. 534—In pursuance of clause (a) of sub-section (1) read with sub-section (4) of section 8 of the Reserve Bank of India Act, 1934 (2 of 1934), the Central Government hereby appoints Shri P. N. Damry as a Deputy Governor of the Reserve Bank of India for a period of five years from the date on which he takes over charge as Deputy Governor.

[No. F. 3(79)-BC/69.]

S.O. 535.—Statement of the Affairs of the Reserve Bank of India as on the 3rd February 1967

	BANKING	DEPARTMENT

Liabilities	Rs.	Assets Rs.
Capital Paid Up	. 5,00,00,000	Notes
		Rupee Coin
Reserve Fund	. 80,00,00,000	Small Coin
National Agricultural Credit (Long Term	•	Bills Purchased and Discounted :
Operations) Fund	11 <b>5,00,0</b> 0,000	(a) Internal
		(b) External
		(c) Government Treasury Bills 2,30,68,14,000
National Agricultural Credit (Stabilisation) Fun		Balances Held Abroad* 9,95,36,000 Investments** 1,52,62,94,000
National Industrial Credit (Long Term Operation Fund	as) 20,00,00,000	Loans and Advances to :-
		(i) Central Government

(H)
THE
GAZETTE
Q
INDIA:
FEBRUARY
ĕ
1967/1
/MAGHA
29, 1888
66 66

Deposits :			Losses and advances to i-
(a) Government :			(f) Scheduled Commercial Banks† 50,42,30,000
			(ii) State Co-operative Banks; 1,69.78,03,000
			(iii) Others
(i) Central Government , .		55,68,73,000	Loans, Advances and Investments from National Agricultural Credit (Long Term Operations) Fund:—
(ii) State Governments		5,05,84,000	(a) Loans and Advances to :-
			(i) State Governments
			(ii) State Co-operative Banks 12,86,20,000
			(iii) Central Land Mortgage Banks
(b) Banks :-			(b) Investment in Central Land Mortgage Bank Debentures 7,11,93,000
(i) Scheduled Commercial Banks		126,01,12,000	Loans and Advances from National Agricultural Credit (Stabilisation) Fund:—
(ii) Scheduled State Co-operative I	Banks .	4,31,36,000	Loans and Advances to State Co-operative Banks . 3,56,84,000
(iii) Non-Scheduled State Co-operat	tive Banks	56,98,000	
(iv) Other Banks		4,43,000	Loans, Advances and Investments from National Industrial Credit (Long Term Operations) Fund:—
(c) Others		271,88,65,000	(a) Loans and Advances to the Development Bank . 4,93,84,000
•		7-31-37-	(b) Investment in bonds/debentures issued by the
Bills Payable Other Liabilities		36,53,53,000 98,39,49,000	Development Bank Other Assets 33,98,11,000
	_		_
	Rupecs .	834,50,13,000	Rupees . 834,50,13,000

<sup>\*</sup>Includes Cash and Short-term Securities.

<sup>\*\*</sup>Excluding investments from the National Agricultural Credit (Long Term Operations) Fund and the National Industrial Credit (Long Term Operations) Fund,

mExcluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments.

<sup>†</sup>Includes Rs. 20,16,00,000 advanced to scheduled commercial banks against usance bills under section 17(4)(c) of the Reserve Bank of India Act. the cluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

THE CAZRITE OF INDIA: FEBRUARY 18, 1967/MAGHA 29, 1888

[PART M-

An Account gurnaen to the Reserve Benk of India Act, 1934, for the week ended the 2rd day of February 1967

Liabilatin	Ra.	Rs.	Assets	Ra.	Rs.
otes held in the Banking Department.	42,93,13,000 2951,82,12,000		Gold Coin and Bullion:— (a) Held in India (b) Held outside India	115,89,25,000	· • • • • • • • • • • • • • • • • • • •
Total Notes issued		2994,75,25,000	Foreign Securities	186,42,01,000	
			Rupee Coin		- 302,31,26, <b>0</b> 0 82,52,40,00
			Government of India Rupee Securities Internal Bills of Exchange and other commercial paper		26 <b>09,91,59,00</b>
TOTAL LIABILITIES .	-	2994,75,25,000	TOTAL ASSETS .		2994,75,25,00

[No. F.3(3)-BC/67.]

V. SWAMINATHAN, Under Secy

## (Department of Revenue & Insurance)

## New Delhi, the 9th February 1967

S. O. 336 In pursuance of sub-section (5) of section 10 of the Emergency Risks (Goods) Insurance Act, 1962 (62 of 1962) read with paragraph 23 of the Emergency Risks (Goods) Insurance Sheme, the Central Government hereby publishers, as follows, an account of the sums received into and paid out of the Emergency Risks (Goods) Insurance Fund during the year ending with the 31st March, 1966:—

Account of the sums received into and paid out of the Emergency Risks (Goods) Insurance Fund during the year ending with the 31st March, 1966:-

	Ащош	nt	Progress receipts u 31st M 196	ipto the arch,	e	Amount	Progress of expenditure upto the 31st March, 1966
RECEIPTS	Rs.	P,	R <sub>5</sub> .	P.	Expenditure	Rs. P	. Rs. P.
<ul> <li>Insurance Premium</li> <li>Advance from Consolidated Fund of India under section 10(3).</li> </ul>	5,40,00,0	∞·∞ 	14,90,61,0	<b>00</b> 160	<ol> <li>Remuneration and expenses of Government Agent, and cost of forms.</li> <li>Payment of liabilities under the Emergency Risks (Goods) In- surance Scheme and remune-</li> </ol>	1,11 <b>,273</b> ·65	11,24,227 75
3 Miscellaneous					ration & expenses of Loss Assessors appointed under the Scheme.  3. Refund of premium under section 13 or under paragraph 17 of the Scheme.	400100	400.00
					4. Repayments of advances made under section 10(3) 5. Other Miscellaneous expenditure(showing details if necessary)	• •	••
					6. Sums disposed of in accordance with section 10(4)		
	5,40,00	,000-00	14,90,61,	,000.00		r,11,673·6	11,24,627.7

\$.O. 537 In pursuance of sub-section (5) of section 7 of the Emergency Risks (Fectories) Insurance Act, 1962, (63 of 1962) read with paragraph 21 of the Emergency Risks (Factories) Insurance Scheme, the Central Government hereby publishes, as follows, and account of the sums received into and paid out of the Emergency Risks (Factories) Insurance Fund during the year ending with the 31st March, 1966:—

Account of sums received into and paid out of the Emergency Risks (Factories) Insurance Fund during the year ending with the 31st March, 1966. :-

	Атоилт	Progress of receipts upto the 31st March, 1966		Amount	Progress of Expenditure upto the 31st March, 1966
RECEIPTS	Rs. P.	Rs. P.	Expenditure	Rs. P.	Rs. P.
Insurance premium	9,75,00,000.00	28,21,00,000.00	Remuneration and expenses of Government Agent and cost of forms.	1,11, <b>273·6</b> 6	11,24,227.7
Advance from Corsolidated Fund of	•		2. Payment of liabilities under the		
India under section 7(3;			Emergency Risks (Factories) In- surance Scheme and remune- ration and expenses of Loss Asses- sors appointed under the Scheme		
Miscellaneous receipts	••		<ol> <li>Payment under section to where a factory is required to be re- moved to and reconstructed in</li> </ol>	,,	.,
			another locality.  4. Refund of premium under section 16 or under paragraph 15 of	••	
			the scheme. 5. Repayment of advances made	• •	
			under section 7(3) 6. Miscellaneous expenditure (show-	• •	• •
			ing details if necessary) 7. Sums disposed of in accordance	• •	• •
			with Section 7(4).		
	9,75,00,000.00	28,21,00,000-00		1,11,273 66	11,24,2274

[No. 104(1)-Ins. I/66-ERI. II] RAJ ,K. NIGAM, Dy. Sesy

## (Department of Revenue and Insurance)

New Delhi, the 18th February 1967

S.O. 538—In exercise of the powers conferred by sub-section (1) of section 23E of the Foreign Exchange Regulation Act, 1947 (7 of 1947) the Central Government hereby appoints Shri S. P. Sen-Varma, Secretary, Ministry of Law (Legislative Department) as Chairman of the Foreign Exchange Regulation Appellate Board, in place of Shri B. N. Lokur.

[No. 15/119/66-Cus.III.]

R. C. MISRA, Dy. Secy.

#### MINISTRY OF INDUSTRY

#### (Indian Standards Institution)

New Delhi, the 6th February 1967

S.O. 539.—In partial modification of the Ministry of Industry (Indian Standards Institution) notification No. S.O. 2743 dated 31st July 1964 published in the Gazette of India, Part II, Section 3, Sub-section (ii) dated 8th August 1964 the Indian Standards Institution hereby notifies that the marking fee per unit for porcelain insulators for overhead power lines has been revised. The revised rate(s) of marking fee, details of which are given in the Schedule hereto annxed, shall come into force with effect from 1st January 1967.

#### THE SCHEDULE

Serial No.	Product/Class of Product	No. and Title of Re- levant Indian Standard	Unit	Marking fee Per unit
(1)	(2)	(3)	(4)	(5)
Ĭ,	for Overhead Power	IS:731-1963 Spec'fication for pocrelain insulators for overhead power lines (3'3 kV and above) (revised)		2 Paise Per unit for the first 100 000 units; I paisa Per unit for the next 200 000 units; Paisa per unit for the 300 001st unit and above

[No. MD/18:2·]

## New Delhi, the 9th February 1967

8.0. 546.—In licence No. CM/L-431, dated 18th July, 1962 held by M/s. Indian Oxygen Ltd., Calcutta-27, the details of which are published under S.O. 2601 in the Gazette of India, Part II, Section 3, Sub-section 3(ii), dated 27th August, 1966. the list of articles has been revised as under with effect from 3rd February, 1967:

Covered electrodes for metal are welding of mild steel of normal penetration type of the following varieties:

- (a) Ferrospeed
- (b) Vortic (c) Radian

- (d) Zodian (I.T.) (e) Vordian (f) Pressure Vessel
- (g) Ferron No. 5
- (h) Vitaspeed
- (j) Celtian and
- (k) Ferromax.

[No. MD/55:431.] S. K. SEN, Deputy Director General.

matic herbs other than these enumerated above are ground and mixed, the nature of such added ingredient or ingredients shall be clearly marked on the label and such addition shall be in lieu of the farinaceous material and salt quota

# MINISTRY OF FOOD, AGRICULTURE. COMMUNITY DEVELOPMENT AND CO-OPERATION

## (Department of Agriculture)

New Delhi, the 4th February 1967

- S.O. 541.—In exercise of the powers conferred by section 3 of the Agricultural Produce (Grading and Marking) Act 1937 (1 of 1937), the Central Government hereby makes the following rules further to amend the Curry Powder Grading and Marking Rules, 1956, the same having been previously published as required by the said section, namely:—
- 1. These rules may be called the Curry Powder Grading and Marking (Amendment) Rules, 1967.
- 2. In the Curry Powder Grading and Marking Rules, 1956, for Schedule III, the following Schedule shall be substituted, namely:—

## "SCHEDULF III

(See rules 3 and 4)

Grade designation and definition of quality of Curry Powder

Product	Maximum percentage of farinaceous matter.	Maximum percentage of salt (Sodium chloride)	Maximum percentage of moisture	Maximum lead content p.m.m.	General Characteristics
	2	3	4	5	6
Curry Powder	* 10%	5%	10%	10	Curry powder shall be prepared by grinding clean and whole some spices, aromatic herba and seeds such as black pepper, cinnamen, cloves coriander, cardamom, chillies, cumin seeds, fenugreek, garlic, ginger mustard, poppy seeds, turmeric, mace, nurmeg, curry leaves, white pepper, saffron and aniseed, and shall contain not less than 85 per cent by weight of such ground powder. It may contain farinaceous matter and salt but neither farinaceous matter for salt shall exceed the limit given in columns 2 and 3. If condiments, spices or aromatic s

T 2 3 4 5 . 6

of 15 per cent. When passed through a standard sieve of 20 mesh per liner inch (I inch=2.54 Cm.) not more than 5 per cent shall be retained on the sieve. The curry powder shall be free from dirt, be palatable with the characteristic flavour normally associated with the product.

407

\*May also be prepared for export only with ground spices not less than 70 per cent by weight, farinaceous matter not more than 20 per cent and salt not more than 10 per cent."

[No. F. 15-16/65-AM(Pt.).] B. D. KAPUR, Under Secy.

## MINISTRY OF EDUCATION

#### ARCHAEOLOGY

New Delhi, the 7th February 1967

S.O. 542.—Whereas the Central Government is of opinion that the ancient and historical monuments specified in the Schedule to this notification have ceased to be of national importance.

Now, therefore, in exercise of the powers conferred by section 35 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958), the Central Government hereby declares that the monuments aforesaid have ceased to be of national importance for the purposes of the said Act.

THE SCHEDULE

l. Io.	State	District	Locality	Name of the monument	Protection notification No. and date'  (i) Preliminary.  (ii) Confirmatory.  (iii) Subsequent, if any.
1	Punjab	Karnal	Karnal	Monument over the grave of Captain Bagshaw 17th Native infantry.	(i) PN. 28522. dated 14-12-1920.
2	,,	Ludhiana	Aliwal	Masonary pillar commemorating the battle of Aliwal.	(ii) PN. 24847 dated 14-10-1921. (i) PN. 14584 dated 30-7-1918. (ii) PN. 3589 dated 7-2-1919.
3	Mysore	North Kanara	Chitakula	European Graves.	(i) BM 3324 dated 29-6-1909.
4	Uttar Pradesh	Dehra Dun	Jharapani	Sir Charles Farringtons Monuments.	(ii) BM 2042 dated 2-5-1910. (i) UP 1412 M dated 18-12-1920. (ii) UP 1645 M dated 22-12-1920.
5	25	Meerut	Loni]	Remains of a Fort of Prithviraj.	(i) UP 1465/1 1133 M dated 25-11-1920. (ii) UP 1669/1138 M dated 27-12-1920.
6	>>	Mirjapur	Bhuili	Some square stone obelisks with carvings, attributed to the Sabaras.	(i) UP 1465/ 1133 M dated 25-11-1920. (ii) UP 1669/ 1138 M dated 27-12-1920.

[No. F. 4-17/66-CA. 1(1)]

## New Delhi, the 8th February 1967

S.O. 543.—In pursuance of section 36 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958), the Central Government hereby makes the following corrections in the description of the ancient monument referred to in Part I of the Schedule to the Ancient and Historical Monuments and Archaeological Sites and Remains (Declaration of National Importance) Act, 1951 (71 of 1951) under the heading "Mysore State" as item 29 and deemed to be an ancient monument declared to be of national importance for the purposes of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958) under section 3 of that Act, namely:—

The entries-

29. Kalyani

Hulikere

shall be corrected as follows, namely:-

29. Kalyani together with adjoining area: unnumbered Gramatana as shown in the site plan reproduced below with an area of 0.22 acre bounded on the—

Hullkere in tehsil Belur of Hassan District Mysore.

North: Road.

East: Survey\_plot\_No. 1/1 and remaining portion of

unnumbered Gramatana.

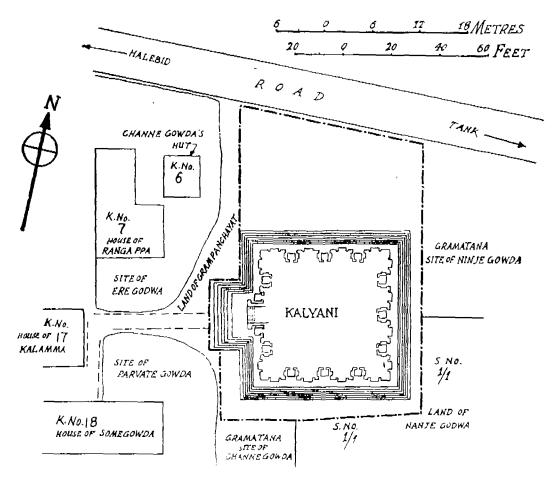
South: Survey plot No. 1/1 and remaining portion of

un-numbered Gramatana.

West: Land of Gram Panchayat owned by Govern-

ment.

## SITE PLAN OF KALYANI AT HULIKERE



LIMITS OF PROPOSED PROTECTION \_\_\_\_\_

## DEPARTMENT OF COMMUNICATIONS

#### (P & T. Board)

New Delhi, the 10th February 1967

S.O. 544.—In exercise of the powers conferred by sub-rule (2) of rule 9, clause (b) of sub-rule (2) of rule 12 and sub-rule (1) of rule 24, read with rule 34, of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, the President hereby makes the following further amendments in the notification of the Government of India in the late Ministry of Communications (Posts and Telegraphs) No. SRO 620 dated the 28th February, 1957, namely:—

In the Schedule to the said notification in Part II—General Central Service, Class III

Under the heading "Post Offices", against the entry "Postmaster in time-scale; Town Inspector of Post Offices; Ministerial staff in clerical grades; Overseer; Overseer Postman, Sorting Postman; Reader Postman; Head Postman; Departmental Branch Postmaster; Despatch Rider" in column 1, in columns 3, 4 and 5 below the existing entries, the following entries shall respectively be inserted, namely:—

"3	4	5
Inspector of Post Offices (in respect of Overseer; Overseer Postman; Sorting Postman; Reader Postman; Head Postman; Departmental Branch Postmaster)	(i) to (iv)	Superintendent of Post Offices; Senior Superintendent of Post Offices."
		[No. 44 / 9 /86-Thing 1

[No. 44/9/66-Disc.]

D. K. AGARWAL, Asstt. Director General.

## MINISTRY OF COMMERCE

New Delhi, the 13th February 1967

S.O. 545.—In exercise of the powers conferred by section 27 of the Forward Contracts (Regulation) Act, 1952 (74 of 1952), the Central Government hereby exempts all forward contracts entered into by the Director General of Supplies and Disposals, Government of India, or by any person duly appointed in that behalf by him for the purchase or sale of jute goods (Hessian and Sacking cloth or bags or both, twines or yarns or both manufactured by any of the mills or any other manufactures of whatever nature made from jute) from the operation of (i) section 15 of the said Act in the city of Calcutta, and (ii) section 17 of the said Act in the rest of India.

Explanation,—In this notification, the expression "City of Calcutta" means—

- (i) Calcutta as defined in clause (11) of section 5 of the Calcutta Municipal Act, 1951 (West Bengal Act No. 33 of 1951), together with part of Hastings North or South edge of Clyde Row and Strand Road to the river bank and the areas which are previously under the new defunct Tollygunge Municipality;
- (ii) The Port of Calcutta; and
- (iii) The districts of 24-Parganas, Nadia, Howrah and Hooghly.

[No. 32(4)-Com. Genl/FMC/66.]

S.O. 546.—The Central Government, having considered in consultation with the Forward Markets Commission, the application for recognition made under section 5 of the Forward Contracts (Regulation) Act, 1952 (74 of 1952), by the East India Oil Millers' Association, Calcutta, and being satisfied that it would be in the interest of the trade and also in the public interest so to do, hereby grants, in exercise of the powers conferred by section 6 of the said Act, recognition to the said Association for the period ending with the 31st December, 1968 in respect of forward contracts in costorseed.

2. The recognition hereby granted is subject to the condition that the said Association shall comply with such directions as may from time to time be given by the Forward Markets Commission.

[No. 34(13)-Com. Genl/FMC/66.]

M. L. GUPTA, Under Secy.

## ORDER

#### New Delhi, the 24th January 1967

S.O. 547.—In exercise of the powers conferred on me by Notification No. S.O. 1029. dated the 28th March, 1966, I hereby direct that the Producer, specified in column I of the Table below of the goods as specified in column 2 thereagainst shall sell the undermentioned goods in his possession to the persons specified in the corresponding entry in column 3 of the said table for purposes of manufacture for export, at the price indicated thereagainst in column 4 subject to the conditions enumerated in column 5 of the said table.

#### TABLE

Name of the firm (Producer)	Specification of goods and quantity	Name of the exporter	Price	Conditions
Duolop Rubber Co. (India) Ltd., Ludhiana	Dunlop tyres: 26"×1½" size—280 p.c. & 24" × 1½" size—120 p.c.	Hero Cycle Indus- tries, 698, Indus- trial Area, Lu- dhiana-3.		
	Dunlop tubes:— 26" × 14" size-280 p.o	,		
	& 24"×11" size-	••		
	120 p.c. Rims:—			
	26"×1{" size—			
	140 p.c. & 24" ×1½" size—60 p.c.			

[No. 31/30/66-EP/Engg.]

By Order etc.,

A. C. BANERJEE,
Director,
Essential Commodities (Regulation of Production and Distribution for purposes of export) Order 1966.

# (Office of the Jt. Chief Controller of Imports and Exports) ORDER

Bombay, the 29th December 1966

S.O. 548.—Whereas M/s. Motiram Khushaldas Bandaria, Sagrampura, Main Road. Surat have reported that import licence No. 2543469 dated 11th May 1966 for import of Art Silk Yarn and Coal Tar Dyes and Textile Chemicals valued at Rs. 6,270 and Rs. 178 respectively issued to them by the Joint Chief Controller of Imports and Exports, Bombay has been lost or misplaced without having been registered with any Customs Authority and without being utilised and have applied for a duplicate copy of the said licence in lieu of the original which has been lost, Government of India Ministry of Commerce in exercise of the powers conferred by Clause 9(cc) of the Imports (Control) Order, 1955, hereby cancel the said licence No. 2543469 dated 11th May 1966 issued to the said M/s. Motiram Khushaldas Bandaria, Sagrampura, Main Road, Surat.

## MINISTRY OF WORKS, HOUSING & URBAN DEVELOPMENT

New Delhi, the 7th February 1967

S.O. 549.—The members of the Interim Metropolitan Council of Delhi having elected on the 24th December, 1966, Sarvashri Gopi Nath Aman, Bhagwan Dass and P. R. Mittal as their representatives on the Delhi Development Authority under clause (f) of sub-section (3) of section 3 of the Delhi Development Act, 1957 (61 of 1957), the Central Government, in exercise of the powers conferred by section 3 of the said Act, hereby makes the following further amendments in the notification of the Government of India in the late Ministry of Health No. 12-173/57-LSG dated the 30th December, 1957, namely:—

In the said notification, for items 7, 8 and 8A and the entries relating thereto, the following shall be substituted and be deemed to have been substituted from the 24th December, 1966, namely:—

- "7. Shri Gopi Nath Aman, Councillor
  - 8. Shri Bhagwan Dass, Councillor
- 8A. Shri P. R. Mittal, Councillor

Members (elected by the members of the Interim Metropolitan Council of Delhi)"

[No. 24011(6)/66-UD.]

R. C. MEHRA, Under Secy.

### MINISTRY OF MINES AND METALS

## **ERRATUM**

New Delhi, the 10th February 1967

- S.O. 550.—In the Notification of the Government of India in the Ministry of Mines and Metals, No. S.O. 3902 dated the 12th December, 1966, published in Part II, Section 3, Sub-section (ii) of the Gazette of India dated the 24th December, 1966, at pages 3546 to 3556:—
  - 1, at page 3548:

In line 4, for "Fharia coalfield" read "Jharia coalfield".

- 2, at page 3549:
  - (i) in line 21, for "1388 1383" read "1388, 1383,"
  - (ii) in line 39, for "1670(P)" read "1670".
- 3, at page 3550:
  - (i) In line 5, for "Taigari" read "Talgaria".
  - (ii) In line 15, for "1298 to 13055" read "1298 to 1305".
  - (iii) In line 18, for "1660(P)" read "1669(P)".
  - (iv) In line 24, for "10" read "160".
  - (v) In line 25, for "160" read "169".
  - (vi) In line 57, for "150" read "1509".
- 4. at page 3551:
  - (i) In line 24, omit plot No. "1308" occurring in between plot No. "1304 and , 1309".
  - (ii) In line 38, for "1463" occurring after "1463" read "1462".
  - (iii) In line 43, for "1292" occurring after "1294" read "1293".
  - (iv) In lines 46-47, for "meet starting point 31" read "meet at starting point 31".
    - (v) In line 57, in the tabular statement, for "Maihiladi or Jogidi" read "Majhiladi or Jogidi".
- 5. at page 3552:
  - (i) In line 1, omit "Area" printed just below heading "District" and insert "Area" in between columns "District" and "Remarks".

- (ii) In line 29, for "gatudih" read "Jatudih".
- (iii) In line 33, for "Farma" read "Jarma".
- (iv) In line 54, for "23" read "2328(P)".

## 6. at page 3553:

- (i) In line 14, for "Mayaban or Pabratanr" read "Nayaban or Pabratanr".
- (ii) In line 16, insert plot Nos. 666(P). 667(P), 680(P), 681(P), 682 to 1374, 1375(P), after plot Nos. 656 to 665.
- (iii) In line 24, for "460 P" read "460(P)" and for "46 P" read "466(P)".
- (iv) In line 28, insert plot Nos. 753(P), 754 to 806, 807(P), 808 after plot No. 752.
- (v) In line 31, for "1109 to 111" read "1109 to 1112".
- (vi) In line 34, for "155(P)" read "1557(P)".
- (vii) In line 36, for "1671 P to 1678" read "1671 to 1678".

## 7. at page 3554:

- (i) In line 17, for "Fugidi" read "Jugidi".
- (ii) In line 27, insert plot No. 1955 before plot No. 1956.

## 8, at page 3555:

- (i) In line 13, for "47, 25, 27, 45, 24" read "47, 45, 27, 25, 24".
- (ii) In line 27, for "16-17-18-19-20 line" read "16-17-18-19-20 lines".
- (ili) In line 32, for "2221" read "2227".
- (iv) In line 45, for "1568" read "1560".
- (v) In line 47, for "Plor" read "Plot".
- (vi) In line 57, for "1010" read "1015".

## 9. at page 3556:

- (i) In line 17, for "Jaima" read "Jarma".
- (ii) In line 32, for "1128" read "1122".

[No. C2-20(31)/63.]

C. K. JOSEPH, Under Secy.

#### MINISTRY OF LABOUR. EMPLOYMENT AND REHABILITATION

## (Department of Labour and Employment)

New Delhi, the 7th February 1967

8.0. 551.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the following award of the National Industrial Tribunal, Calcutta in the industrial dispute between the employers in relation to Indian Oxygen Limited, Calcutta and their workmen which was received by the Central Government on the 31st January, 1967:—

#### NATIONAL INDUSTRIAL TRIBUNAL AT CALCUTTA

REFERENCE No. NIT-1 of 1966

#### PARTIES:

The Management of the Indian Oxygen Limited, Calcutta,

VMD

their workmen.

#### PRESENT:

Shri S. K. Sen-Presiding Officer.

#### APPEARANCES:

- On behalf of the management—Shri K. B. Bose, Bar-at-Law. Shri J. Datta Gupta, Advocate, and Shri J. N. Chatterjee, Legal Adviser, Indian Engineering Association.
- On behalf of the workmen—Sh-i Ram Sen, with Shri Benoy Roy Chowdhury, for the All India Indian Oxygen & Acetylene Employees Federation. Calcutta.

Shri M. R. Chakladar, for National Federation of Indian Oxygen Workers.

Jamshedpur.

Shri U. N. Sane, for Bombay Labour Union.

Shri C. L. Dudhia, Advocate, for the Indian Oxygen Employees Union.
Bombay.

#### AWARD

By Order No. 17/4/66/LRIV dated 7th July, 1966, the Central Government referred for adjudication an industrial dispute between the management of the Indian Oxygen Limited, Calcutta and their workmen in respect of the subject matter specified in the following schedule:—

"Whether the workmen are entitled to a higher bonus than 17.5 per cent for the year 1964-65 as offered by the management? It so, what should be the quantum of bonus for the said year?"

It may be noted here that the management actually offered and paid 17.58 per cent of the total salary or wages including dearness allowance earned during the accounting year and not 17.5 per cent as mentioned in the schedule of the Government Order. This however does not affect the reference because the unions have claimed more than the amount offered and paid.

- 2. The Indian Oxygen Limited was incorporated under the Indian Companies Act in 1935 and was made into a public company in 1958. It was a venture of the British Oxygen Company incorporated in England and that company still holds slightly over 66 per cent of the shares of the Indian company. The main products of the Indian Oxygen company are industrial gases like oxygen, dissolved acetylene, nitrogen and hydrogen and also electrodes and welding equipment and medical equipment. The Indian Oxygen company has been earning good profits, and has been paying bonus to its workmen from 1948 for the accounting year 1946-47, and since then has steadily paid a bonus by agreement with the unions. In 1960-61 the bonus paid was by agreement fixed at 5 months' horize tragger gubiest to a minimum of Page 2300/ basic wages subject to a minimum of Rs. 230/- and a maximum of Rs. 2,300/-For 1961-62 the bonus paid was similar. For 1962-63 the bonus paid by agreement was equal to 5 months' basic wages subject to a minimum of Rs. 260/- and maximum of Rs. 2,300/-. For 1963-64 the bonus paid was equal to 5 months' basic wagts subject to a minimum of Rs. 230/- and a maximum of Rs. 2,300/- The working year of the company is from 1st October to 30th September of the next calendar year. We are now concerned with the accounting year from 1st October 1964 to 30th September 1965. For this year the bonus was not fixed by any agreement because the Payment of Bonus Act 1965 had in the meantime come into force. The company's accounts were passed at the annual general meeting of the company held on 12th February, 1966. Thereafter the bonus was worked out and bonus at the rate of 17.58 per cent of the total annual wages or salary plus dearness allowance was declared by a notice dated 23rd March, 1966. of which an authenticated copy is Ext. 2. This notice shows the allocab'e surplus for the year ending 30th September, 1965 as worked out under the Payment of Bonus Act as Rs. 30.35.958; and the total salary and wages including dearness allowance on which bonus is payable in respect of year 1964-65 as Rs. 1.72,69,770. The allocable surplus worked out at 17.58 percent of the total salaries and wages including the dearness allowance and therefore bonus was declared as payable at that rate. The resultant bonus for certain categories of employees was also shown in the notice, the minimum bonus payable being Rs. 310-11 as against the minimum of Rs. 290/- agreed for the previous year; maximum was Rs. 1.582.20 as against the maximum of Rs. 2,300/- agreed for the previous four years. It may be mentioned here that even if the bonus was declared at the maximum rate of 20 per cent fixed by the Payment of Bonus Act, 1965, the maximum bonus could only be Rs. 1,800/--
- 3. According to the evidence of Shri P. C. Basu, Chief Executive, Finance, of the Indian Oxygen Company, the four representative unions of workers of the company were consulted before the notice, Ext. 2, was issued and the computation under the Bonus Act was shown to them, but the unions were not satisfied with the amount of bonus shown as pavable under the computation. The unions protested against the rate of bonus declared and demanded substantial increase. Attempt at negotiated settlement failed and a strike notice was given by some of the unions. Thereafter a tribunal was constituted by the Government of West Bengal and the unions advised the workmen to take payment of the bonus declared by the company as an interim bonus pending final decision. Under representation from the company, the order of reference for adjudication by West

\_\_\_\_\_

Bengal Government was cancelled and the present reference order was made by the Government of India to the National Industrial Tribunal

\_\_\_\_\_

- 4. In the written statement filed by the General Secretary. All India Oxygen and Acetylene Employees Federation, Calcutta, the demand has been made for a bonus equal to 8 months' basic wages subject to a minimum of Rs. 400/-. It may be mentioned here that for the lowest paid category of workers with a basic wage of Rs. 38/- per month, the bonus offered by the company comes to just over 8 months' basic wages although for other categories of workers the bonus declared is less, but it is more than 5 months' basic wages up to the category of workers with a pay of Rs. 150/- per month. It is certainly much less for employees with a higher basic pay, but that is the scheme of the Payment of Bonus Act. Any how, the Union is not satisfied with the offer and claims much more
- 5. The National Federation of Indian Oxygen Workers, Jamshedpur has claimed that the bonus should be 20 per cent of the annual wage or salary plus dearness allowance which is the maximum provided by the Act. The Bombay Labour Union has also claimed that bonus should be paid at the maximum rate of 20 per cent of the total remuneration. The Indian Oxygen Employees Union of Rajawadi, Bombay-77, has demanded bonus equal to 25 per cent of the total earning or 6 months basic wages whichever is higher.
- 6. All the unions have generally stated that in the balance-sheet and profit and loss account of the company included in the Annual Report, the expenses have been inflated and that in particular there is a big expenditure shown under the heading 'Miscellaneous Expenses' which needs elucidation because the usual expenses incurred by the company are already shown under other heads. It has also been urged by all the unions that the figures for direct taxes payable by the company has been much inflated in the bonus computation chart and that it should be substantially less. The case of the All India Oxygen and Acetylene Employees Federation which has been represented before the tribunal by Shri Ram Sen is that if the computation is done correctly the allocable surplus would be above 50 lakhs as against 30-35 lakhs worked out by the management. Shri C. L. Dudhia who has appeared on behalf of the Indian Oxygen Employees Union, Rajawadi, Bombay-77, has also argued on behalf of his own Union and the other two unions, namely, the National Federation of Indian Oxygen Workers, Jamshedpur and the Bombay Labour Union, that after paying the maximum bonus allowable under the Payment of Bonus Act, a substantial amount of the allocable surplus would be left to be carried forward.
- 7. The company in its rejoinder has denied the suggestion that any exaggerated or unnecessary expenditure was incurred or shown in the accounts to reduce the profits. Along with the rejoinder the company also furnished details of the miscellaneous expenses which were challenged by several unions and also supplied other information sought by the unions. The company also showed the computation of the available surplus and staff bonus according to the Payment of Bonus Act, 1965 in an annexure to the rejoinder. This computation is reproduced below because most of the arguments concern the several items mentioned in this computation table, marked Exhibit 3 at the hearing:—

Computation of Staff Bonus for the year ended 30-9-1965 as per payment of Bonus Act, 1965

Ĭ.	Computation of Gross Profits-[U/8. 40	(b)—	Sch I	Ĩ1				
	Profits as per Profit & Loss A/c. (before	táxa	tion)	- J				1,76,74,315
	Add Back		,	·			, ·	-17 11/419-9
	Bonus paid in 1964/65 in respect of 1	prev	ious ver	ar			25,21,347	
	Bonus provided for 1964/65 .	,					30,00,000	
	Profit on sale of cylinders						1,12,260	
	Doubtful Debts Reserve						55,127	
	Donations in excess of the amount	adı	nissible	for	incom	ıe-		
	_ tax						73,000	
	Depreciation as per accounts	•	•	•			70,44,600	1,28,06,334
<b>1</b> 1.	Computation of Analytic Complex (VI	1_	_3				Rs	3,04,80,649
41.		8.	5)					
	A—[U/s. $6(a)$ and $6(b)$ ]							
	Gross Profits as above		•					3,04,80,649
	Less							2
	Depreciation (I. Tax) $[U/s, 6(a)]$		•				67 <b>,20,</b> 000	
	Development Rebate (I. Tax)							
	$[\mathbf{U}/\mathbf{s}. \ 6(b)]$	•	•	•	•	•	5,86,749	73,06,749
							Balance	2,31,73,900

	B.—[U/s. 6(a) & 7] Less Income-tax	
	C.—[U/s. 6(d)] Less	95,64,389
	8.5 per cent on Paid-up equity share capital as at the commence-	
	ment of the accounting year— Rs. 3,64,00,000 6 % on Reserves as at the commencement of the account year,	o .
	including the profits—carried forward from the previous account year—Rs. 2,35,07,686	1 45,04,461
	· ·	50,59,928
II.	Computation of Allocable Surplus—U/s. 2(4)(b).—62% Available Surplus as above—Rs. 50,59,928	30,35,958
give reje com	e computation of the Income Tax and Sur Tax of which the tot en in the above table were shown in another statement enclose sinder. The relevant portion of this statement, marked Ext. 3, aputation of Income Tax and Sur Tax is reproduced here:—	d with the
II.	Computation of Income Tax Rs.	Rs.
	Profits as above	231 · 7.
	Add Back Patent Fees	)
	Disallowable Legal and Professional Expenses	
	Disallowable/Rent	
	Entertainment Expenses not admissible	
	Contribution to B. O. C. Pension Fund	Α.
	Perquisites in excess of 20 % salary	3.84
	Less Retiring Benefit paid	235·57 0·19
		235.38
	Income Tax @50 % on Rs. 235-38 Lakhs	117.69
	Dividend Tax @ 7.5% of Rs. 43.68 Lakhs	3 · 28
	Less: Tax credit @ 20 % on Rs. 29.22 Lakhs being excess	120.97
	tax liability over the base year 1963/64 (U/s. 280ZB of Income Tax Act)	5.84
	0	115.13
V.	Computation of Sur Tax Profits per III	235.38
	Profits on sale of cylinders	
	Profits on sale of other Fixed Assets	
	<del></del>	232:24
	Less Income-tax as above	117-69
	AH I uterest on Lorn (B.O.C., C.D.F.C., I.C.I.C.I.)	114·55 8·70
	Less: Statutory Deductions	123·25 66·05
	And the second s	
	Sur Tax @ 40% on Rs. 57.20 Lakhs	57·20 22·88
	Sur Tax @ 40% on Rs. 57.20 Lakhs  Less: Tax Cre iit @ 20% on Rs. 9.55 being excess Sur Tax  liability over the base year 1963-64	

- 8. In the rejoinder the company stated in paragraph 13(b) that the bonus amounting to Rs. 30.35 lakhs representing 17.58 per cent of the total salary or wages, was calculated before the Provisions of the Finance Act, 1966, applicable to the relevant accounting year, were known, and that under the Finance Act, 1966 the depreciation charges and tax liabilities would be materially different; and that the tax credit amounting to Rs. 7.75 lakhs (5.84 lakhs in respect of Income tax and test makes in respect of Sur-tax) which was taken into consideration in arriving at the quantum of bonus payable would not be admissible on a correct interpretation of the Payment of Bonus Act; and that the net result would be that the quantum of bonus would be substantially less than Rs. 30.35 lakhs. The company's rejoinder was filed on 29th September, 1966. On 14th December, 1966, the date before the hearing was first taken up, the company filed a revised computation of available surplus and bonus (marked Ext. 4) by which the allocable surplus or bonus was worked out at only Rs. 23,30,396 as against the original computation of Rs. 30,35,958. The reduced figure is explained by omission to add back certain items in computing the gross profits and a higher figure for the income tax payable. The original computation of the allocable surplus and still more the revised calculation, have been seriously challenged by the unions, and Shri Ram Sen and Shri C. L. Dudhia have submitted their own figures for the computation of allocable surplus in the course of their arguments. For working out the correct computation of the available surplus and allocable surplus, it has to be decided whether or not several disputed items should be included in computing the gross profits and direct taxes.
- 9. The first disputed item relates to profit on sale of cylinders coming to Rs. 1,12,260. This was added back in computing the gross profits in the original computation, Ext. 3, by the company but not in the revised computation. Both Shri Ram Sen and Shri Dudhia have urged that this item should be added back as a profit on the sale of capital assets, as it comes under item 4(i) of the Second Schedule of the Payment of Bonus Act. The profit and loss account for the accounting year ended 30th September 1965 (included in the Annual Report, Ext. 1) does not show the profit on the sale of cylinders as a profit. There is Ext 1) does not show the profit on the sale of cylinders as a profit. There is however one item reading 'Profit on disposal of capital assets' amounting to Rs. 1,17,131. At page 16 of the Annual Report, in the schedule showing additions and disposal of fixed assets during the year, against the item 'cylinders', under the heading 'disposals', the sale proceeds of cylinders, Rs. 1.12.260, is shown. The total of disposals during the year is Rs. 6,71,715. Shri P. C. Basu was questioned at length about this item. At p ge 3 f his deposition, he stated that the profit on disposal of capital assets is the excess of the sale price of fixed assets disposed of over the written down value thereof. At page 4 he stated that as disposed of over the written down value thereof. At page 4 he stated that as the company has nearly 1 .akh cylinders distributed over 14 branches and subbranches of the company, it is almost impossible to ascertain the written down book value of a particular cylinder of the company, and the company has been following the practice that the sale price of a cylinder disposed of is assumed to be equal to the written down book value thereof so that there is no profit from the company has been solved to be equal to the written down book value thereof so that there is no profit from the company has approved the company has been company to the company has been company to the company that there is no profit from the company that the company has been company to the company that the company that the company has been company to the company that the disposal of the cylinder; and that the income tax department has approved of this practice. At page 5 be gov 3 ur her explanation. He stated that the actual sale proceeds of the items of the fixed assets disposed of during the year was 2,51,264 and the excess over book value, 1,34,133 was 1,17,131 which was the profit shown at page 11 of the balance sheet, in the Profit and Loss Account. At page 13 he sald that the total sale proceeds of all items of fixed assets disposed of namely Rs. 2,51,264, included the sum of 1,12,260 obtained by the sale of cylinor namely its. 2,31,264, included the sum of 1,12,260 obtained by the sale of cylinders. In view of the explanation given by Shri Basu it is clear that the sale proceeds of the cylinders disposed of, namely Rs. 1,12,260, was wrongly added back in computing the gross profits in the first computation, Ext. 3. Shri Dudhia referred to the further statement made by Shri Basu at page 13, that the amount realised by the sale of cylinders was set off against the price of purchasing new cylinders and therefore this amount realised by the sale of old cylinders was not reated as income chargeable to tax. The Income Tax Expert examined on behalf of the unions, Shri A. G. Banerjee, has stated that if the sale proceeds of cylinders that the price of nurchasing new cylinders the sum of had been set off against the price of purchasing new cylinders, the sum of Rs. 1,12,260 would be profit capitalised and therefore according to the provisions of the Bonus Act this should be added back in computing the gross profit. This opinion given by Shri Banerjee cannot however be accepted as Shri Basu explained that the company was following the practice that the sale proceeds of old cylinders is equal to the written down value thereof and therefore there is no profit in the sale of old cylinders. In future years the position would be different, because under the proviso to the Section 32(1) clause (ii) of the Income Tax Act where the actual cost of a plant does not exceed Rs. 750 the full cost thereof is to the allowed as a deduction in respect of previous year in which the plant is first

brought into use; and as the value of cyclinder does not usually exceed Rs. 750 the whole value thereof will be admissible as depreciation in the year in which the cylinder is brought into use, and therefore, in respect of cylinders acquired and brought into use in 1964.65 and later, the written down value would be nil, and whatever sale price is obtained would be a profit which must be shown in the profit and loss account. But for the year under consideration, ended 30th September 1965, the position is different. Upto that date the written down value of cylinders was assumed to be equal to the sale price and therefore there was no profit to be added back in the profit and loss account. Shri Basu was asked how the written down value converted into cash would be shown, and replied that it would merely be included in the cash balance in the balancesheet. That being so, I must hold that the sale proceeds of the cylinders amounting to Rs. 1,12,260 cannot be added back in computing the gross profits. Moreover, it cannot come under item 4(i) of the Second Schedule because that item refers to any income, profits or gains credited directly to the reserve "other than" what is described in clauses (i), (ii) and (iii); and the sale proceeds of cylinders was not credited directly to any reserve; and even if it come under the description given in subclause (i), which it does not, it could not be included.

- 10. The next disputed item is doubtful debt reserve, Rs. 55,127 added back in Ext. 3 but not in Ext. 4. This item is one of the items shown as miscellaneous expenses in the profit and loss account for the year ended 30th Septmeber 1965, and it appears in the break up of the miscellaneous expenses, Ext. 3B. Therein one item is bad debts 41,099 and another item is doubtful debts 55,127. Shri P. C. Basu explained that between LAT Full Bench formula and the provisions of the Payment of Bonus Act, there are certain differences as to the items which are to be included; that under the LAT Full Bench formula, the provision for doubtful debts would have to be included in the computation of gross profits, until the doubtful debts had definitely become unrealisable, but that under the Payment of Bonus Act the provision for doubtful debts is not to be added back in computing the gross profits because there is no item under which this provision would come. Under item 2 clause (c) reading "Any other reserve" it would not come according to Shri Basu, because the provision for doubtful debt is a provision and not a reserve. Now under Section 36(1) clause (vii) of the Income Tax Act, the amount of any debt or part hereof which is established to have become a bad debt in the previous year may be deducted in computing the income of the firm. Sub-section (2) of Section 36 provides that no such deduction shall be allowed unless such debt or part thereof has been written off as irrecoverable income of the assessee for the previous year. In the accounts of the company including the Annual Report, Ext. 1, the sum of Rs. 55,127 was not written off as irrecoverable. It was included as one of the items of miscellaneous expenses but the break up of the miscellaneous expenses shows that a distinction was made by the company between had debts and doubtful debts. Accordingly, the item for doubtful debts, Rs. 55,127, could not be deducted in the computation of the income for the purpose of income tax, and it cannot also be deducted for the co
- 11. Next, there is the item of donations in excess of the amount admissible for income tax. In the original computation the company added back Rs. 73,000 but in the revised computation, Ext. 4, the company only added back Rs. 4,569. Shri P. C. Basu proved a statement showing the details of the donations paid by the company during the year ended 30th September 1965, showing that out of the total donations Rs. 93,712, a sum of Rs. 89,143 comprised donations on which rebate would be allowed under the Income Tax Act, whereas only Rs. 4,569 is the sum of donations to other institutions in respect of which no rebate would be allowed under the Income Tax Act. Shri P. C. Basu has explained that originally he was under the impression that only the actual amount of tax relief on the donations admissible for income tax rebate would be deducted and the balance of the donations must be added back and that is why he originally deducted about Rs. 20,000 from the total donations and included the balance in the computation of the gross profits but subsequently he realised that the whole of the donations admissible for tax relief should be excluded and not added back in computing the gross profits. On behalf of the unions it has been urged that the original interpretation of the provision was correct and that actually Rs. 73,000 ought to be added back in computing the gross profits. The question depends on the correct interpretation of the terms contained in item 3(b) of the Second Schedule of the Payment of Bonus Act. The item reads "add back also

donations in excess of the amount admissible for income tax". The amount admissible for income tax must mean the amount admissible for rebate of income tax and cannot mean the amount of rebate allowed under the Income Tax Act. Accordingly, all the donations which are admissible for computing rebate under the Income Tax Act must be excluded and only donations in excess of that amount must be added. In this connection, it would be useful to refer to para 19 of the Bonus Commission Report—summary of conclusions and recommendations:

"19. It is usual for companies and firms to make donations to charities, both to maintain the goodwill of the public and also to make a contribution through the exercise of reasonable charity towards the public welfare, which to some extent is to be expected of every prosperous concern or individual in the country. We have not heard that snareholders have objected to such reasonable donations to charities, and we do not believe that workmen are as a rule averse to it. The Incometax Act allows donations to charities as expenditure within certain limits. Such donations have sometimes to be made to help thood relief and for other laudable objects, and a large number of companies have contributed according to their mite to the Defence Fund. It would be unreasonable to add back such amounts to the profits and consider them notionally available for bonus. But donations in excess of the amount admissible under the Incometax Act stand on a different footing and cannot be allowed as expenditure for the purposes of the bonus formula."

It is clear therefore that the amount to be added back is only Rs. 4,569 and not Rs. 73,000 as mentioned in the original computation.

12. The next dispute is as regards the amount admissible for depreciation in 12. The next dispute is as regards the amount admissible for depreciation in accordance with the provisions of the Income-tax Act. In the profit and loss account included in Ext. 1 the depreciation is mentioned as Rs. 70,44.600. In the original computation, Ext. 3, the depreciation in accordance with the Incometax Act was worked out at Rs. 67,20,000. In the revised computation, Ext. 4, the figure for depreciation in accordance with the provisions of the Income-tax Act has been shown as Rs. 76,10,540. Shri Ram Sen has seriously challenged this increase in the figure for depreciation admissible under the provisions of the Incometax Act, and in the draft computation submitted by him at the time of the Incometax has been taken the figure as Rs. 67,20,000 as mentioned in Ext. 3. Shri P. C. Basu, however, in his deposition has explained the reason for the difference. The Finance Act, 1966, has introduced a new proviso to Section 32(1) clause (ii) which enables the company to claim depreciation to the extent of full value in respect of items of plant or machinery of which the value does not exceed Rs. 750 in the first year in which such plant or machinery is brought into use. Shri Basu said that the price of an average cylinder is below Rs. 750 and accordingly all such cylinders, which are classed as plant, which were purchased and brought into use in the year 1964-65 would come within the scope of the proviso and the entire cost thereof would be deducted as depreciation. At page 16 of the Annual Report, Ext. 1, it is noted that the value of cylinders added during the year was Rs. 8.23.560, the disposal of cylinders during the year was Rs. 1,12.260. The cost of cylinders added less the cost of cylinders disposed of comes to Rs. 7,11,300 and under the new proviso the whole of this sum was adedd to the figure for depreciation. The remaining 2 lakhs are explained according to the witness by the vlaue of other items of plant and machinery which individually cost less than Rs. 750. The company submitted a detailed calculation chart. Ext. A, in support of the figure for depreciation claimed by it namely, Rs. 76,10,540. It may be mentioned that Shri Dudhia accepted these figures for depreciation in his draft computation of available surplus. I am satisfied from the evidence of Shri Basu and the details of calculation contained in Ext. A that the revised figure for depreciation in accordance with the provisions of the Incometax Act must be taken to be correct and must be allowed in the computation of the available surplus. As regards the figure for depreciation in the Profit and Loss Account, 70.44 600. Shri P. C. Basu explained why the figure is different from the figures mentioned in the computations Ext. 3 and Ext. 4. In the company's balancesheet and profit and loss account it has been the practice to work out the depreciation on a system different from that provided by the Incometax Act and the rules thereunder in order to make for more uniform depreciation. This statement has not been challenged. In computing the gross profits and working out the available surplus for the purpose of the Bonus Act, we have to take the figures of depreciation worked out in accordance with the Incometax Act and the rules made thereunder and accordingly, the revised figures for depreciation, Rs. 76,10,540 must be taken.

13. Next, there is the item for development rebate. In Ext. 3 this figure was mentioned as Rs. 5,86,749. In the revised computation, Ext. 4, the figure is mentioned as Rs. 6,11,425. This is because of some mistakes in the earlier calculation, as explained by Shri P. C. Basu. The detailed working out of the development rebate allowable under Incometax Act has been shown in the chart Ext. B, and there is no reason to reject the revised calculation shown therein as incorrect. I, therefore, accept the figure for development rebate as contained in the revised computation, Ext. 4, namely Rs. 6,11,425.

14 Next, there is the question whether certain items of expenditure are capital expenditure and should be added back in computing the gross profits under item 3(d) of the Second Schedule. In the original computation of Incometax, Ext. 3A, the company showed certain items as added back to the income as disallowable expenditure. These items appear in the extract from Ext. 3A, given in paragraph 7 above. According to the unions, all these items are items of capital expenditure. Shri P. C. Basu was questioned about them and in respect of some of the items he admitted that they are items to capital expenditure. At page 15 of his deposition he stated that patent fees is regarded as capital expenses: plant transfer charges would also be regarded as capital expenses by the Income Tax department; as regards legal and professional expenses, any expenditure incurred as legal charges for prosecuting an appeal against an assessment order of the Income Tax Officer is disallowed as an item of revenue expenditure, while of the income Tax Officer is disallowed as an item of revenue expenditure, while legal expenditure incurred in connection with acquisition of new fixed assets is chargeable to capital account; and that rent paid, for instance, for a godown for storing capital goods in the process of erection of a factory is not allowable as an item of revenue expenditure but the Incometax authority would treat the same as part of capital exenditure incurred for erecting the factory. It would be accounted to the incurred for executing the factory of the same as part of capital exenditure incurred for executing the factory. same as part of capital exenditure incurred for erecting the factory. It would appear, therefore, that at least three of the items, namely, patent fees to the extent of Rs. 10,000, plant transfer charges to the extent of Rs. 72,516 (the exact figure occurs in Ext. 3B, the break up of Miscelleneous Expenses) and disallowable rent to the extent of Rs. 74,000 must be treated as items of capital expenditure and added back in computing the gross profits. It should be mentioned that the plant transfer charges of Rs. 72,516 is mentioned as an item of capital expenditure in the statement, Ext. A, and therefore Shri K. B. Bose appearing for the management had to concede that this particular item is an item of capital expenditure which should be added back. He however opposed the addition of other items. But for reasons already explained, the expenditure on patent fees and disallowable rent must also be adedd back. It may be mentioned that Shri Ram Sen also wanted to add back the expenditure on renewals of patents. In the break up of the miscellaneous expenses, Ext. 3B, patent fees and renewals, are given together and the expenditure is Rs. 30.514. Out of this only Rs. 10,000 on account of patent fees is included in the figure added back. Now, the fees for renewals of patents is revenue expenditure, only the fee paid originally in regisrenewals of patents is revenue expenditure, only the fee paid originally in registering a patent is a capital expenditure. Therefore, the contention of Shri Ram Sen for adding Rs. 20,514 more on account of renewals cannot be accepted. So far as legal and professional expenses are concerned, it was not clarified how much out of disallowable legal expense comprised expenses incurred in prosecuting appeals against the assessment by the Incometax authorities and how much in connection with acquisition of fixed assets. In the circumstances, the figure for disallowable legal and professional expenses cannot be considered as an item of capital expenditure and cannot, therefore, be added back in computing the gross profits, although for the purpose of income tax it must be added back as an item of disallowable expenditure. The next item, namely, entertainment expenses not admissible amounting to Rs. 37,000 is not an item of capital expenditure but merely a disallowable item of expenditure. Shri A. G. Banerjee also did not say that this is an item of capital expenditure. Therefore, it cannot be added back in computing the gross profits for the purpose of bonus but it is to be added back for the purpose of Income tax. The contribution to B.O.C. pension fund amounting to Rs. 20,000 is not admissible under the Incometax Act which does not recognize a contribution to a fund outside India. But this is a recognizer than recognise a contribution to a fund outside India. But this is a necessary item of expenditure so far as the Indian Oxygen Company is concerned because they have some British Technicians in their employment and they have necessarily to make contributions to their pension fund which is maintained in England. Therefore, this contribution cannot be regarded as an item of capital expenditure, and neither did Sri A. G. Banerji say that it could be treated as such. But for and nother did Sri A. G. Banerji say that it could be treated as such. But for the purpose of computation of Incometa it has to be added as an item of inadmissible expenditure. Lastly, it has been claimed that perquisities in excess of 20 per cent of salary amounting to Rs. I lakh is also an item of capital expenditure. It is however an extra payment to some of the higher paid staff and it can by no means be regarded as an item of capital expenditure. Shri A. G. Banerji stated that it may be regarded as a donation inadmissible for the purpose of

Incometax, but the perquisites given to the higher paid officers is not a donation to them but rather an extra payment beyond the amount allowed by the Incometax Act. Accordingly, this amount cannot be added back in computing gross profit for the purpose of bonus although it must be added for computing the Incometax.

- 15. Shri Ram Sen has claimed that the sum of Rs. 4,33,445 contributed to the officers' Pension Fund (vide page 12 of Shri P. C. Basu's deposition) should be added back as an item under 2(e) of Schedule 2. But the Officers' Pension Fund is not a reserve in the hand of the company; it is in charge of Trustees; and the contribution, being to Trustrees of a Pension Fund recognised by Income Tax authorities, cannot also be treated as an item of disallowable expenditure. Hence, the calim for adding back this contribution for computing the gross profits must be rejected.
- 16. The unions have also claimed that the sum of Rs. 8,43,298 shown as interest on loans from the British Oxygen Company and some other companies for the purpose of acquiring capital assets should be treated as an item of capital expenditure and added back in computing the gross profits for the purpose of bonus. It may be mentioned that this figure is taken\_from statement A annexed to the revised computation of the available surplus, Ext. 4, and showing the calculation of direct taxes. In calculating Sur Tax under the provisions of the Company's (Profits) Sur Tax Act, 1964, loans as at 1st October, 1964 from the B.O.C., C.D.F.C. and I.C.I.C.I. have been added in computing the capital, in view of the Second Schedule, Rule 1(v), which provides that the capital of a compnay shall be the aggregate of certain amounts, including moneys borrowed by it from Government or the Industrial Finance Corporation of India or the Industrial Credit and Investment Corporation of India or any other financial institution which the Central Government may notify in this behalf or any banking institution or any person in a country outside India, provided that such moneys are borrowed for the creation of capital assets in India and the agreement under which such moneys are borrowed provides for the repayment thereof during a period of not less than seven years. The amount of loans included as capital is Rs. 1,43,80,967 and for the computation of the Sur Tax, interest on these loans amounting to Rs. 8,43,296 has been added to the profits for the purpose of assessment of income tax, under the First Schedule, Rule, 3(i) of the Companies (Profits) Surtax Act, 1964. Shri A. G. Banerji has stated that this figure which is interest on the loans taken for creation of capital assets should be regarded as capital expenditure. But under Section 36(1)(iii) of the Income Tax Act the amount of interest paid in respect of capital borrowed for the purpose of the business may be deducted for assessing the income for the purpose of income tax. There is no distinction in this provision between the interest on capital borrowed for the purpose of creating capital assets and interest on the capital borrowed for meeting the revenue expenditure. In the circumstances, it would not be correct to hold that interest on the capital borrowed for the purpose of creating assets which is shown separately only for the purpose of calculating the Surtax should be treated as an item of expenditure. Whatever may be deducted in assessing the income for the purpose of income tax must be deemed to be revenue expenditure. In this connection reference may be made to AIR 1959 Bombay, 156 (Calico Dying and Printing Works Vs. Commissioner of Income Tax) where it was held as follows:—
  - "In order to entitle an assessee to claim deduction of interest paid on borrowed capital, all that it necessary is that the assessee must have borrowed capital for the purpose of the business carried on by the assessee in the year of account and that the capital has been used by him in the year of account. If the capital has been borrowed and was used it is immaterial whether the user actually yielded profit or not. No distinction could be made between capital borrowed for the acquisition of a capital asset and for the acquisition of revenue asset. In both cases the assessee is entitled to claim deduction for the interest paid in the computation of his income."

I must, therefore, reject the contention of the unions that the sum of Rs. 8.43,298 should be treated as an item of capital expenditure and added back for the purpose of computing the gross profits for the purpose of bonus.

17. Next, the figures for income tax and other direct taxes to be deducted have to be considered. In the profit and loss account the total amount provided for direct taxes is 104 lakhs only. But in the computations, Ext. 3 and Ext. 4, the figures are considerably higher. Shri Ram Sen. therefore, has argued that Rs. 104 lakhs only should be taken as the sum of direct taxes and that figure should be deducted from the gross profits. This argument, however, cannot be accepted

because the direct taxes to be deducted from the gross profits must bear some relation to the income accruing in the year and to the rate of taxes fixed by the latest Finance Act. Direct taxes payable by the company for the accounting year in respect of the income, profits and gains during that year must be calculated as laid down in Sec. 6(c) of the Payment of Bonus Act, subject only to the special provisions contained in Sec. 7 of that Act. The main controversy in regard to the computation of income tax is whether or not the provision for bonus for the year under consideration, Rs. 30 lakhs, and the bonus paid to the employees in respect of the previous accounting year, Rs. 25,21,347/- which are added in computing the gross profit under the Payment of Bonus Act should or should not be deducted from the gross profits before the income tax is computed. Under Section 36(1) clause (ii) any sum paid to employees as bonus or commission for services rendered where such sum would not have been payable to him as profit or dividend if it had not been paid as bonus or commission, may be deducted in computing income for the purpose of assessing the income tax, provided the amount of bonus or commission is reasonable with reference to the pay of the employee and the conditions of his service, the profits of the business for the previous year in question and the general practice in a similar business. Now, in the course of the accounting year, the bonus for the accounting year is not paid. The bonus for the previous accounting year is paid in the course of an accounting year and the bonus for the accounting year is paid after the expiry of the year, after the balance-sheet, etc. have been presented at the Annual General meeting of the shareholders after the expiry of the accounting year. But the proviso quoted above shows that the bonus must be reasonable with reference to the profits of the business for the previous year in question, which must mean the accounting year for which the bonus is paid. The bonus of the previous accounting year has relation to the profits of the previous accounting year and it would appear therefore that the provisions of the Act require that the bonus for the previous accounting year should not be deducted in assessing the income of a particular accounting year, but only the bonus which is payable for the particular accounting year itself should be considered and deducted. In other words, when we are concerned with the accounting year 1964-65 the bonus or Rs. 25,21,347/- paid for the previous accounting year 1963-64 should not be deducted for the purpose of Income-tax but the bonus which is found to be payable on the profits of 1964-65 should be so deducted. In this connection I may point out that in the LAT Full Bench case which laid down the formula for calculating the bonus before the Payment of Bonus Act came into force, income-tax was deducted from the gross profits less depreciation of the bonus year i.e., of the accounting year. The case is reported in 1950 II LLJ 1247 (Mill Owners Association, Bombay Vs. Rashtriya Mill Mazdoor Sangh, There it was laid down that the prior charges on gross profits are (1) provision for depreciation, (ii) reserve for rehabilitation, (iii) return of 6 per cent on paid up capital, (iv) return on the working capital at a lesser rate; next, taxes must also be deducted, and the profit that remains is available for distribution as In that case, tax was calculated after deducting the depreciation and the bonus, but the quantum of tax payable was taken into consideration in calculating the bonus. In AIR 1958 SC 153 (Shri Minakshi Mills Limited Vs. Their workmen), it was pointed out that the method adopted by industrial tribunals in determining the gross trading profits in bonus cases does not conform to the requirements and provisions of the Income-tax Act and so it was fallacious to assume that the gross profits determined by the industrial tribunal should be taken to be the gross profits that would be taxable under the Income-tax Act; that the adequacy or otherwise of the provision for Income-tax must necessarily be judged in the light of the Income Tax Act itself since under that Act the liability to pay tax is ultimately determined. This case may be considered as a reply to the contention of the management which was set out by Shri P. C. Basu in the course of his deposition at page 7, namely, that in making the computation of the gross profit under the Bonus Act some additional items have to be included and that the calculation of the Income-tax and Surtax must be related to profits so calculated even though the figure may be higher than the actual tax which the company would have to pay. In other words, the company wants that the tax should be computed without deducting either the provision for bonus for the current year—Rs. 30 lakhs and the bonus paid for the previous accounting year—Rs. 25 lakhs odd, which are added in computing the gross profits for the purpose of the Payment of Bonus Act. This contention however cannot be accepted. This would appear also from another decision of the Supreme Court, namely 1959 I LLJ 644 (Associated Coment Company Limited Vs. Their workmen) in which case the available surplus formula of the LAT Full Bench was approved; and it was also laid down that in making calculations under the formula the bonus year must be taken as a unit and all items specified in the formula should be worked out on that basis in calculating the Income-tax; that the tribunal should take into account the concession given by the Income-tax Act, and the fact that the employer would be entitled to a rebate on

the Income-tax on the amount of bonus paid to the workmen must also be taken into consideration. In other words, the tax concession for the bonus found to be payable should be taken into consideration in dividing the surplus between the workmen and the company. In 1959 II LLJ 250 (Tata Oil Mills Co. Ltd. Vs. Its workmen) it was observed inter alia that rebate on income-tax of bonus paid is taken into consideration but first tax must be calculated on the gross profits less total statutory depreciation. This observation however has reference to the calculation of bonus under LAT formula. Under the Payment of Bonus Act, bonus is a definite percentage of the available surplus after deducting the income-tax, subject to a certain statutory maximum. Where it is found on a rough calculation that the maximum bonus is payable, this maximum amount must be subtracted from the profits before computation of the tax. Where it is found that the bonus would be less than the statutory maximum it would be equal to 60% of the available surplus, and with a little calculation the figure for bonus and the figure for tax can be worked out. In the present case, a rough calculation shows that the allocable surplus will exceed 20% of the annual wage bill as stated by the company. Therefore, the maximum statutory bonus of 20% must be subtracted from the gross profits before the income-tax is calculated. But the bonus paid in the year 1963-64 cannot be subtracted for the purpose of computation of bonus for the year ended 30th September 1965 because as observed by the Supreme Court in 1959 I LLJ 644, the bonus year must be taken as a unit.

- 18. In respect of the calculation of the Surtax, under the Companies (Profits) Surtax Act 1964, the first Schedule thereof contains the rules for computing the chargeable profits. In computing chargeable profits, the total income computed for that year under the Incometax Act has to be adjusted in the matter prescribed under Rule 1. Under Rule 1, item (iv), the profit aristing from disposal of capital aggets has to be excluded and under Rule 1(vii) any sum in respect of which a deduction of Income-tax is allowed under Sec. 88 of the Income-tax Act, i.e., donations for charitable purposes, have to be excluded. These amounts were not deducted in the calculation of the Surtax in the revised computation, Ext. 4, but they must be excluded. In other respects, the calculation of the Surtax as made by the company appears to be in order and must be accepted, although the figure for the total Surtax becomes different in view of the difference in income assessed for the purpose of Income-tax and Surtax.
- 19. Next, there is the item of tax credit amounting to Rs. 7.75 lakhs in all which was deducted in the original computation of Income-tax and Surtax. Ext. 3A but not so deducted in the revised computation annexed to Ext. 4. Shi K. B. Bose for the management has urged that these items were wrongly deducted in the original computation and that under the provisions of Sections 6 and 7 of the Payment of Bonus Act, in calculating direct taxes for the purpose of computing the available surplus, the tax credit is not to be deducted. Clause (e) of Section 7 provides that no account shall be taken of any other rebate or credit or relief or deduction which may be allowed by the Income-tax or Finance Act for development of any industry, except development rebate and development allowance, Tax credit, which is allowed under Section 280ZB of the Income Tax Act, though it is meant to encourage the growth of industry, is something other than development rebate and development allowance. Hence under Section 7. clause (e), no account should be taken of the Tax credit in calculating direct taxes for the purpose of computation of the available surplus. So, I find that the amount of the tax credit allowable was rightly excluded by the company in its revised computation, Ext. 4.
- 20. Next, there is the tax on dividend in excess of 10 per cent. This is also a direct tax payable along with the income-tax as part of that tax, and there is, therefore, no force in the contention of the unions that this tax on dividend in excess of 10 per cent cannot be deducted from the gross profits for the computation of bonus. It has already been mentioned that Sec. 6 clause (c) of the Payment of Bonus Act provides that subject to Sec. 7 any direct tax which the employer is liable to pay for the accounting year in respect of his income, profits and gains must be deducted from the gross profits. The tax on dividend in excess of 10 per cent is a direct tax as defined in the Payment of Bonus Act, being a part of the income-tax payable under the Income-tax Act as modified by the Finance Act. It may be mentioned that in the original computation, Ext. 3A, the management made a mistake in computing this item because the rate of 7.5 per cent was applied to the whole amount of dividend, Rs. 43.68 lakhs and so the tax worked out as 3.28 lakhs. In the revised computation, Ext. 4, this mistake has been rectified and the rate of 7.5 per cent has been applied to the excess of the dividend paid over 10 per cent of the share capital. Thus the amount of this tax has become substantially reduced the revised figure being only Rs. 54.60 and this must be accepted as correct and allowed as a deduction.

21. Under Section 6 clause (d) of the payment of Bonus Act, certain further sums specified in the Third Schedule are also to be deducted from the gross profits in computing the available surplus. The further sums mentioned in the Third Schedule are dividend at 8.5 per cent on the paid up equity share capital at the commencement of the accounting year and 6 per cent on its reserves shown in the balance sheet as at the commencement of the accounting year. Now, as regards the first mentioned item there is no dispute, but as regards the second mentioned item, namely, 6 per cent of the reserves, a point has been raised by the unions that the dividends paid out for the accounting year 1963-64 must be deducted from the reserves at the beginning of the year 1964-65 as shown in the Balance-sheet, as the dividends were paid out of the reserves, before allowing interest at 6%. The explanation to the Third Schedule provides that the expression "Reserves" shall not include any amount set apart from the purpose of...(iii) payment of dividends which have been declared. Now, reserves shown in the balance-sheet at the beginning of the accounting year 1964-65 amount to Rs. 2,35,07,686. But this figure includes the appropriation for the dividend. In Ext. 1A, the Annual Report for the year ended September 1964, it is recited at page 6 of the Chairman's report that 63 lakks has been transferred from the net profits to the general reserve and that the directors recommend a dividend of 12 per cent and if the recommendation be accepted the dividend would be paid out of the general reserve. Dividend at 12 per cent on the equity share capital comes to Rs. 43,68,000. Similarly, in the Annual Report for the year ended September 1965, Ext. 1, it is mentioned at page 6 of the Chairman's report that the dividend would be paid out of the general reserve. Thus there appears to be substance in the point raised by the Union. Shri K. B. Bose, following the line adopted by Shri P. C. Basu in his evidence at page 18, namely, that though out of the general reserve the dividend declared for the accounting year 1963-64 was paid, no amount out of general reserve was set apart for the payment of dividend has contended that the dividends paid should not be deducted before allowing 6% interest on these reserves. This argument however cannot be accepted because even though the sum of Rs. 43,68,000 was not kept under a separate head but was included in the sum of Rs. 63,00,000 added to the general reserve during the year ended 30th September 1964, it is clear from the report of the Chairman that out of this sum. Rs. 43,68.000 was practically car-marked for the payment of dividend. Shri K B. Bose has pointed out that the previous accounting year ended on 30th September 1964 and the next accounting year commenced on 1st October 1964, but it was long thereafter that the dividends were paid out from the general reserve; the payment of the dividend was only approved at the general meeting held on 12th February 1965 and it was thereafter, about the beginning of March 1965 that the dividends were paid out; and, therefore, the fund remained with the company for at least 5 months and served as working capital and that, therefore, the company is entitled to claim interest on that amount also. On this point hiwever I must agree with the contention of Shri Sen and Shri Dudhia, and in this connection I may refer to certain observations of the Bonus Commission made in paragraph 42 of the summary of the Bonus Commission Report, "Return is to be allowed on the reserves and surpluses proper, not on items such as the amount appropriated towards dividends but remaining with the company for some months until the dividend is paid."

22. Shri Dudhia has urged that another sum of Rs. 1.58,000 should also be deducted from the reserve before allowing interest at 6 per cent. For this argument he has relied on a statement by Shri P. C. Basu in the course of his deposition at page 19, that the figure for depreciation shown in the annual accounts for 1963-64 was Rs. 67.77 lakhs while that worked out according to income-tax rules was Rs. 69.35 lakhs (a difference of Rs. 1.58 lakhs); and the explanation to the Third Schedule of the Payment of Bonus Act namely, that the expression "reserve" shall include any amount set apart for the purpose....(ii) meeting any depreciation accordance with the provision of Income-tax Act. Shri Dudhia has urged that since for the accounting year 1963-64 the depreciation according to Income-tax rules was 1.58,000 higher than that shown in the annual account, it must follow that this sum of Rs. 1.58 lakhs was included in the reserve and therefore this sum should be deducted from the reserve before allowing interest at 6%. Now, it has been mentioned before that the company has its own system of working out the depreciation for spreading out the amount of depreciation more eventy and that deormition according to its own method of calculation is shown in the annual accounts year after year. It is not proposed by the company to deduct a further amount of depreciation from out of the amount transferred to reserve. In working out the figure for revenue reserve the Ext. 1, i.e., revenue reserve as on 30th Sentember 1065, the sum of Rs. 43.68.000 paid out as dividends for the accounting year 1963-64, out of the revenue reserve shown in the previous year's annual account has been deducted but the sum of Rs. 1,58.000, which is the difference between the figure for depreciation as shown in the profit and loss

account for the year 1963-64 and the figure for depreciation for the same year worked out according to Income-Tax rules, has not been deducted from the figure for revenue reserve. I am satisfied, therefore, that Shri Dudhia is wrong in claiming that the sum of Rs. 1,58,000 should also be deducted from the figure for reserves before interest is allowed thereon at 6 per cent.

23. The computation of the available surplus and the bonus for the year ended 30th September 1965 and the calculation of direct taxes for the same year should, therefore, be as shown in the following tables:—

Computation of available surplus and Bonds for the year ended 30-9-65 as per payment of bonus Act, 1965.

		1 /	i oj vo		. , -,				
								Rs.	Rs.
I.	Net Profit as per Profit an	d Loss Acce	unt						67,74,315
2.	Provision for:								
٨.	(a) Bonus to employee:	9						30,00,000	
	(b) Depreciation .			_	_			70,44,600	
	(c) Direct taxes .		•	•	-	•	-	1,04,00,000	
	(d) Development Reba	te Peserve	•	•	•	•	•	5,00,000	
	(a) Other reserve : pr	aviation for d	loubtfi	ul deb		•	•		200 00 727
	(8) Other reserve . pr	OAISION TOL C	LOUDILL	ar uco	٠.	•	٠.	55,127	209,99,727
3.	(a) Bonus paid to employe	ces in respec	t of p	reviou	s acc	counting	ġ		
<b>J</b> .	vear							25,21,347	
	(b) Donations in excess	of the amou	ınt adı	nissib	le for	i⊔come	tax	4,569	
	(c) Annuity						•		
	(d) Capital expenditure	<b>:</b>							
	(i) Patent fees .							10,000	
	(ii) Plant Transfer	charges .						72,516	
	(iii) Disallowable 1							74,000	26,82,432
	` '						-		
	Gross profits for the	he calculatio	n of be	onus					304,56,474
	Deductions according	ig to Sec. 6 o	f Payr	nent o	f Bonı	ıs Act:			
	(a) Depreciation admis	sible under	Incom	e Tax	Act			76,10,540	
	(d) Development Rebat	e , ,	-					6,11,425	82,21,965
	(m) = = = F==						-		
	(c) Direct taxes:								2,22,34,509
	Income Tax .							104,68,219	
	Surtax .							9,39,802	
	Addl. tax on excess	s dividend		-			_	54,600	1,14,62,621
	TACAL MAR OF THE		-	-			_	349	-,-,,
									1,07,71,888
	Deductions accordin	ig to Third S	chedul	e, Pay	n:ent	of Benu	is A	ci:	
						of Benu	is A		
	8.5% on Paid up E	Equity Share	of 364	,00,00	ю		is A	ct : 30,94,000	
	8.5% on Paid up E 6% on Reserves at	equity Share	of 364 ment o	,00,00 f the	o accour	iting			
	8.5% on Paid up E 6% on Reserves at year. <i>Less</i> div	equity Share the common dends decla	of 364 ment oured an	,00,00 f the	o accour	iting		30,94,000	
	8.5% on Paid up E 6% on Reserves at	equity Share the common dends decla	of 364 ment oured an	,00,00 f the	o accour	iting			42,42,381)
	8.5% on Paid up E 6% on Reserves at year. <i>Less</i> div	equity Share the common dends decla	of 364 ment oured an	,00,00 f the d paid	oo accour l (235	nting ,07,686	`_	30,94,000	
	8.5% on Paid up E 6% on Reserves at year. <i>Less</i> div	equity Share the common dends decla	of 364 ment oured an	,00,00 f the d paid	oo accour l (235	iting	`_	30,94,000	42,42,381); 65,29,507
	8.5% on Paid up E 6% on Reserves at year. Less div less 43,68,000	Equity Share the common ridends decla 0—191,39,68	of 364 ment o ired an 36)	,00,00 of the d paid Ava	oo accour l (235; · · ilable	nting ,07,686 surplus	`_	30,94,000	65,29,507
	8.5% on Paid up E 6% on Reserves at year. <i>Less</i> div	Equity Share the common ridends decla 0—191,39,68	of 364 ment o ired an 36)	,00,00 of the d paid Ava	oo accour l (235; · · ilable	nting ,07,686 surplus	`_	30,94,000	
	8.5% on Paid up E 6% on Reserves at year. Less div less 43,68,000 Allocable surpl	Equity Share the commec ridends decla 0=191,39,68	of 364 ment of ared an 36)	,00,00 of the d paid Ava	oo accour I (235; · · · ilable arplus	nting ,07,686 surplus	· · ·	30,94,000	65,29,507 39,17,704
	8.5% on Paid up E 6% on Reserves at year. Less div less 43,68,000 Allocable surpl Bonus at 20%	Equity Share the commestridends declared to 191,39,68 lus: 60% of annual wage	of 364 ment of ared an 36)	,00,00 of the d paid Ava	oo accour I (235; · · · ilable arplus	nting ,07,686 surplus	· · ·	30,94,000	65,29,507 39,17,704 <sup>-1</sup> 34,53,954
	8.5% on Paid up E 6% on Reserves at year. Less div less 43,68,000 Allocable surpl	Equity Share the commestridends declared to 191,39,68 lus: 60% of annual wage	of 364 ment of ared an 36)	,00,00 of the d paid Ava	oo accour I (235; · · · ilable arplus	nting ,07,686 surplus	· · ·	30,94,000	65,29,507 39,17,704
	8.5% on Paid up E 6% on Reserves at year. Less div less 43,68,000 Allocable surpl Bonus at 20%	Equity Share the commestridends declared to 191,39,68 lus: 60% of annual wage	of 364 ment of ared an 36)	,00,00 of the d paid Ava	oo accour I (235; · · · ilable arplus	nting ,07,686 surplus	· · ·	30,94,000	65,29,507 39,17,704 <sup>7</sup> 34,53,954 4,63,750
	8.5% on Paid up E 6% on Reserves at year. Less div less 43,68,000 Allocable surpl Bonus at 20%	Equity Share the commestridends declared to 191,39,68 lus: 60% of annual wage	of 364 ment of ared an 36)	,00,00 of the d paid Ava	oo accour I (235; · · · ilable arplus	nting ,07,686 surplus	· · ·	30,94,000	65,29,507 39,17,704 <sup>-1</sup> 34,53,954
	8.5% on Paid up E 6% on Reserves at year. Less div less 43,68,000 Allocable surpl Bonus at 20%	Equity Share the commestridends declared to 191,39,68 lus: 60% of annual wage	of 364 ment of ared an 36)	,00,00 of the d paid Ava	oo accour I (235; · · · ilable arplus	nting ,07,686 surplus	· · ·	30,94,000	65,29,507 39,17,704 <sup>7</sup> 34,53,954 4,63,750
	8.5% on Paid up E 6% on Reserves at year. Less div less 43,68,000  Allocable surpl Bonus at 20% Set on to carried	Equity Share the commercidends declared to 191,39,68 dus : 60% of annual wage forward	of 364 ment c ired an (6) f availa s amou	,00,00 f the id paid Ava ble su	oo accour i (235; ilable arplus to 17;	nting ,07,686 surplus 2,69.77		30,94,000	65,29,507 39,17,704 <sup>7</sup> 34,53,954 4,63,750
	8.5% on Paid up E 6% on Reserves at year. Less div less 43,68,000 Allocable surpl Bonus at 20%	Equity Share the commercidends declared to 191,39,68 dus: 60% of annual wage forward	of 364 ment cared an (6)  Favailant amounts  e year	Ava ble su inting	oo accour i (235; ilable arplus to 17;	nting ,07,686 surplus 2,69.77		30,94,000	65,29,507 39,17,704 <sup>7</sup> 34,53,954 4,63,750
	8.5% on Paid up E 6% on Reserves at year. Less div less 43,68,000  Allocable surpl Bonus at 20% Set on to carried	Equity Share the commercidends declared to 191,39,68 dus: 60% of annual wage forward	of 364 ment c ired an (6) f availa s amou	Ava ble su inting	oo accour i (235; ilable arplus to 17;	nting ,07,686 surplus 2,69.77		30,94,000	65,29,507 39,17,704 <sup>7</sup> 34,53,954 4,63,750
	8.5% on Paid up E 6% on Reserves at year. Less div less 43,68,000  Allocable surpl Bonus at 20% Set on to carried  Calculation of direct	equity Share the commentation of the commentat	of 364 ment of tred an 36)  Favaila s amou	Ava	il (235; il	nting ,07,686 surplus 2,69.77		30,94,000	65,29,507 39,17,704 34,53,954 4,63,750 39,17,704
Gros	8.5% on Paid up E 6% on Reserves at year. Less div less 43,68,000  Allocable surpl Bonus at 20% Set on to carried  Calculation of direct s Profits as computed under	equity Share the commentation of the commentat	of 364 ment of tred an 36)  Favaila s amou	Ava	il (235; il	nting ,07,686 surplus 2,69.77		30,94,000	65,29,507 39,17,704 34,53,954 4,63,750 39,17,704 3,04,56,474
D۱٦	8.5% on Paid up E 6% on Reserves at year. Less div less 43,68,000  Allocable surpl Bonus at 20% Set on to carried  Calculation of direct s Profits as computed under	equity Share the commentation of the Paymentation of the Paymentation of the Paymentation of the commentation of the paymentation of the paymentat	of 364 ment of tred an 36)  Favaila s amou	Ava	il (235; il	nting ,07,686 surplus 2,69.77		30,94,000	65,29,507 39,17,704 34,53,954 4,63,750 39,17,704
D۱٦	8.5% on Paid up E 6% on Reserves at year. Less div less 43,68,000  Allocable surpl Bonus at 20% Set on to carried  Calculation of direct s Profits as computed under ations admissible for incontlowal lefterns of expendit	equity Share the commentation of the Paymentation of the Paymentat	of 364 ment of tred an 36)  Favaila s amou	Ava	il (235; il	nting ,07,686 surplus 2,69.77		30,94,000 11,48,381 one unit	65,29,507 39,17,704 34,53,954 4,63,750 39,17,704 3,04,56,474
D۱٦	8.5% on Paid up E 6% on Reserves at year. Less div less 43,68,000  Allocable surpl Bonus at 20% Set on to carried  Calculation of direct s Profits as computed under tions admissible for incon llowal le items of expenditu	equity Share the commentation of the Paymentation of the Paymentation of the commentation of the commentat	of 364 ment of tred an 66)  Favaila s amou	Ava	il (235; il	nting ,07,686 surplus 2,69.77		30,94,000 11,48,381 one unit	65,29,507 39,17,704 34,53,954 4,63,750 39,17,704 3,04,56,474
D۱٦	8.5% on Paid up E 6% on Reserves at year. Less div less 43,68,000  Allocable surpl Bonus at 20% Set on to carried  Calculation of directions admissible for incoultowal le items of expenditu Leyviand professional et Enertainment expenses	equity Share the commentation of the commentat	of 364 ment of tred an 66)  Favaila s amou	Ava	il (235; il	nting ,07,686 surplus 2,69.77		30,94,000 11,48,381 one unit	65,29,507 39,17,704 34,53,954 4,63,750 39,17,704 3,04,56,474
D۱٦	8.5% on Paid up E 6% on Reserves at year. Less div less 43,68,000  Allocable surpl Bonus at 20% Set on to carried  Calculation of direct s Profits as computed under tions admissible for incon llowal le items of expenditu	equity Share the commentation of the commentat	of 364 ment of tred an 66)  Favaila s amou	Ava	il (235; il	nting ,07,686 surplus 2,69.77		30,94,000 11,48,381 one unit	65,29,507 39,17,704 34,53,954 4,63,750 39,17,704 3,04,56,474
D۱٦	8.5% on Paid up E 6% on Reserves at year. Less div less 43,68,000  Allocable surpl Bonus at 20% Set on to carried  Calculation of directions admissible for incoultowal le items of expenditu Leyviand professional et Enertainment expenses	equity Share the commentation of the commentat	of 364 ment of tred an 66)  Favaila s amou	Ava	il (235; il	nting ,07,686 surplus 2,69.77		30,94,000 11,48,381 one unit	65,29,507 39,17,704 34,53,954 4,63,750 39,17,704 3,04,56,474

	1,00,000					y	of salar	s of 20%	ties in excess	Parqu
2,08,000	2,27,000		•	i	•			it paid	tiring benefit	Less I
3,07,53,617										
82,21,965	76,10,540 6,11,425		:		:		•	bate .	preciation velopment rel	
2,25,31,652 34,53,954									nus at 20% .	Leas F
190,77,698			able	assess	Incom	I				
	104 <b>,92,7</b> 34								ta <b>x at 5</b> 5% .	Incom
1,04,68,219	24,515						43	on 89,1,	are @271% o	Less re
							Sur-tax	(ii)		
190,77,698 2,06,143	1,17,000 89,143				•		assets	of fixed a	for Income ta ofits on sale ons admissible	L.:33 F
188,71,555 104,68,219			-	•			d.	calculated	come tax as ca	Less I
84,03,336 8,43,298				assets	capita	of (	quisition	ns for acc	erest on loan	AdJ I
92,46,634					ماله سا	1	···	tion (or n	tretane de desert	e.
65,61,485		<b>K</b> T, <b>4</b>	ıy, Ex	ompar	DArtic	י דר ס	worked o	A) .	tutory deduct Statement	اق
26,85,149 9,39,802			٠		i%	35	ur-tax a	S		
	43,68,000 36,40,000		<i>!</i>	videna				<b>6</b> .	(iii) Allition idend at 12% idend at 10%	D D
54,600	7,28,000		•			-			7.5% of .	

24. Thus the allocable surplus af 60 per cent of the available surplus works out to Rs. 39,17,704. This is more than 20 per cent of the annual wage bill of Rs. 1,72,69,770. Therefore bonus should be paid at the maximum rate of 20 per cent and further a set on Rs. 4,63,750 must be carried forward as will appear from the table given above. I find, therefore, that the workmen are entitled to higher bonus than 17.58% for the year 1964-65 and the quantum of bonus should be the maximum amount of 20 per cent and further there should be a set on carried forward of Rs. 4,63,750.

No order is made as to costs.

(Sd.) S. K. SEN, Presiding Officer.

Dated, 20th January 1967,

[No. 17/4/66-LR:IV]

# New Delhi, the 8th February 1967

S.O. 552.—In exercise of the powers conferred by section 9 of the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act. 1955 (45 of 1955), read with sub-section (3) of section 11 of the said Act, the Central Government hereby appoints Shri K. M. Mathew as a member of the Wage Board constituted for the purpose of fixing or revising rates of wages in respect of working journalists under the said Act to represent employers in relation to newspaper establishments in the vacancy caused by the resignation of Shri Upendra Acharya,

and makes the following further amendment in the notification of the Government of India in the late Ministry of Labour and Employment No. S.O. 3202 dated the 12th November, 1963, namely:—

In the Table to the said notification, in the entries against No. 1, for the entry "Shri Upendra Acharya, Managing Director, the Newspapers & Publications (Private) Ltd., Mazharul Haque Path, Patna", the following entry shall be substituted, namely:—

"Shri K. M. Mathew, Managing Editor, Malayala Manorama, Kottayam (Kerala State)".

[No. F. 60/1/67-LRI.]

#### ORDERS

# New Delhi, the 10th February 1967

S.O. 553.—Whereas the employers in relation to the Martin's Light Rallways, Lalbazar Street, Calcutta and their workmen represented by the Martin's Railways Staff Association, have jointly applied to the Central Government in the manner required by sub-section (2) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947) for the reference to a Tribunal of an Industrial dispute that exists between them, in respect of the matters set forth in the said application and reproduced in the Schedule hereto annexed;

And, whereas the Central Government is satisfied that the Martin's Railways Staff Association represents a majority of the said workmen;

Now, therefore, in exercise of the powers conferred by sub-section (2) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal No. 2 Calcutta, constituted under section 7A of the said Act.

#### SCHEDULE

Whether the scales of pay of the following posts at the Railway Headquarters Office of Martin's Light Railways need revision? If so, to what extent and from what date?

Categories of Staff			Existing Grade	Proposed scales of pay,
<b>K</b> **		· <del></del> -	٤-	
1. Head Clerk (Special)			200—15—350	280-20-400-25-500
2. Head Clerk			190-10-260	260-15-350-20-450
3. Section Head .			130—6—190	160-10-280
4. Comp. Op. (Special)			130—6—190	160—10—280 <sup>1</sup>
5. Comp. Op.			70-4-124-6-160	80-5-130-7-200
6. Head Typist			110-5-150	160-10-260
7. Typist			70-4-130	80-5-130-7-200
8. Publicity Assistant .			150-10-250	200-15-350
g. Railway Cashier	•		200-10-300	29015400
o. General Assistant	•		120-5-160	160-6-240
I. Pay Clerk (Jr.)			96—4—140 \	120-6-180-8-260
				(Combined)
2. Pay Clerk (Sr.)	•		145—5 <b>—</b> 190 ∫	Ç
3. P. A. to G. M		•	200—10—300	260—15—350—20—450

[No. 2/34/66-LR.IV.]

S.O. 554.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Tirodi Manganese Mines of Messrs Kasturchand Oswal and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of subsection (1) of section 10 of the Industrial Disputes Act. 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal-cum-Labour Court (Central), Jabalpur constituted under section 7A of the said Act.

#### SCHEDULE

Whether the management of Tirodi Mines of Messrs Kasturchand Oswal, Mines Proprietors, Seoni (Madhya Pradesh) was justified in stopping Shri Bhaudas Bagde from work with effect from the 30th March, 1964?

If not, to what relief is the workman entitled?

[No. 35/27/66-LH.I.]

# New Delhi, the 13th February 1967

S.O. 555.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to Messrs A. V. Bhanojirow, Garuda Pattabhiramayya and Company, Visakhapatnam and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri Mohammed Nijamuddin shall be the Presiding Officer, with headquarters at Hyderabad and refers the said dispute for adjudication to the said Tribunal.

#### SCHEDULE

Whether Sarvashri K. Krishna Murty, L. Venkata Rao. P. Divakara Rao and Kumari S. Saroja, Ex-Employees of Messrs A. V. Bhanojirow, Garuda Pattabhiramayya and Company. Port View, Visakhapatnam-1 are entitled to Bonus for the accounting year 1964-65 under the Payment of Bonus Act, 1965? If so at what rate?

[No. 28(161)/66-LR.IV.]

A. L. HANDA, Under Secy.

# (Department of Labour & Employment)

New Delhi, the 7th February 1967

S.O. 556.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal No. 2 Calcutta, in the industrial dispute between the employers in relation to the Samla Manderboni Colliery, Post Office Pandaveshwar, District Burdwan and their workmen which was received by the Central Government on the 1st February, 1967.

# CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2. CALCUTTA

#### REFERENCE No. 109 of 1966

#### PARTIES:

f

Employers in relation to the Samla Manderboni Colliery,

And

Their workmen-

#### PRESENT:

Shri S. K. Sen-Presiding Officer-

#### APPEARANCES:

On behalf of Employers.—Shri Jamuna Prasad, (Signing compromise petition)
On behalf of Workmen.—Shri Provat Goswami, Org. Secretary, Collier,
Mazdoor Union (Signing compromise petition).

STATE: West Bengal

INDUSTRY: Coal Mines

#### AWARD

By Order No. 6 21/66-LRII dated 4th June 1966, the Central Government refered for adjudication an industrial dispute between the employers in relation to the Samla Manderboni Colliery, P.O. Pandaveshwar, Distt. Burdwan, and their workmen in respect of the subject matter mentioned in the following schedule

"Whether Sarvashri Ram Prasad, Fan Khalasi and Angrej Ramani (Rawani)
Body Checker, had been forced to resign from service? If so, to wha
relief are they entitled?"

- 2. The case of the two workmen, namely Ram Prasad and Angrej Ramani, is that they were forced to resign by the management because they took an active part in organising a branch of the Colliery Mazdoor Union at the colliery. The case of the management is that the two workmen resigned voluntarily and were not forced to resign.
- 3. Before the reference became ready for hearing the parties settled the matter out of Court and on 27th January 1967 filed a petition of settlement signed by both the parties. By the terms of the settlement the two workmen, Ram Prasad and Angrej Ramani (Rawani) admit having received all their dues in full and final settlement from the employers and have given up claim to be reinstated in their jobs or otherwise challenging the action of the management, i.e., in accepting the letters of resignation. The union appears to have made the best settlement possible under the circumstances by accepting some ex-gratia payment made by the management. There is no reason, therefore, for not accepting and acting upon the petition of settlement. This reference case is, therefore, disposed of in terms of the petition of settlement of which a copy is annexed.

(Sd.) S. K. SEN.
Presiding Officer.

Dated,

30th January 1967

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, CALCUTTA

In the matter of Reference No. 109 of 1966

Ann

In the matter of an Industrial Dispute

BETWEEN

Employers in relation to the Samla Manderboni Colliery, P.O. Pandaveswar, Distt. Durdwan.

AND

Their workmen represented by Colliery Mazdor Union, 27, G.T. Road, Bastin Bazar, Asansol.

The humble petition of the employers above-named and the workmen concerned in the present Reference—

Most rspectfully showeth:-

- 1. That the above-mentioned employers and the workmen have mutually settled out of Court the disputes relating to the subject matter of the present reference on the following terms:—
  - (i) that the concerned workmen Ram Prasad and Angrej Rawani have received from the Employer all their dues in full and final settlement and have no claim whatsoever against the Employer.
  - (ii) that the concerned workmen Ram Prasad and Angrej Rawani are not interested in getting back their employment with the Employer and/ or challenging the action of the management.
- 2. That this application is bonafide and is being filed for the purpose of maintenance of industrial peace and harmony.

In the circumstances it is humbly prayed that your honour may be graciously pleased to pass an award that no dispute exists between the parties. And for this act of kindness the parties as in duty bound shall ever pray.

Jamuna Prasad, Employers.

PROVAT GOSWAMI,
Organising Secretary,
Colliery Mazdoor Union,
Representing the opposite parties—(workmen)
20-1-67.

Employees
RAM PRASAD,
ANGREJ RAMANI,
\*No. 6/21/66-LR.II.]

S.O. 557.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in relation to the Rawanwara Colliery (owned by Messrs Amalgamated Coalfields Limited) and their workmen which was received by the Central Government on the 1st February, 1967.

# BEFORE THE INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT (CENTRAL) AT JABALPUR

Dated January 28, 1967

PRESENT:

Sri G. C. Agarwala.—Presiding Officer.

ADJUDICATION CASE NO. 12 OF 1966 (JABALPUR)
ADJUDICATION CASE NO. 71 OF 1965 (BOMBAY).

In the matter of an Industrial Dispute between the Employers in relation to the Rawanwara Colliery (owned by M/s. Amalgamated Coalfields Limited) and their workmen.

#### APPEARANCES:

For the Workmen.—Dr. Smt. Sita Parmanand, President M. P. Rashtriya Koyla Khadan Mazdoor Sangh and Sri S. K. Pachauri, Member Executive.

For the employers.—Sri V. M. Thakrauney, Chief Personnel Officer of the Company.

INDUSTRY: Colliery.

# District: Chindwara.

#### AWARD/ORDER

By Notification No. 5/29/65/LRII dated 16th November, 1965, the following matter of dispute as stated in the Schedule to the order of reference was referred to Central Government Industrial Tribunal, Bombay for adjudication. The case remained pending with the said Tribunal from 2nd December, 1965, to 24th September, 1966. It was transferred to this Tribunal by Notification No. 8/141/66 LRII dated 17th September, 1966.

#### SCHEDULE

Whether the management of Rawanwara Colliery were justified in stopping Sarvashri Budhram, Punnoo and Roshan, Winding Engin Khalasis. from work with effect from the 29th January, 1965? If not, to what relief are the workmen entitled?

The parties had only filed their statements of claim before Bombay Tribunal and after rejoinders were filed before this Tribunal a few adjou nments taken by the employers for one reason or the other and also on the ground that there were talks of compromise. No compromise was, however, brought about and the came came up for hearing and evidence on 10th January, 1967.

The employers had taken an objection that the dispute is not an industrial dispute as all the three workmen concerned were not members of M.P. Rashtriya Koyala Khadan Mazdoor Sangh at the relevant time and were in fact members of another rival Jansangh Union. To prove the fact, the workmen examined one witness, Sri M. P. Taiwari, President of the Rawanwara Branch of the Union as W.W. 1. From his evidence it transpired that the three concerned workmen S/Sri Budhram, Punnoo and Roshan were members of the Union which is a general union of collicry workers in the area only in the year 1964-65. They ceased to be members of the Union in the year 1965-66. The year of the Union is from 1st April to 31st March. Services of the workmen were terminated on 29th January, 1965, while they were members of the Union. The espousal by the Union, however, took place in September, 1965 when the Union moved the conciliation machinery as would appear from copy of letter No. P-85(28)/65 dated 12th October, 1965, sent with the order of reference as conciliation report. This means that when the espousal of the dispute took place the concerned workmen were not members of the Union. Their Lordships of the Hon'ble Supreme Court in Workmen of Dimakuchi Tea Estate Vs. Management of Dimakuchi Tea Estate reported in 1958(I)LLJ p. 500 prescribed two tests namely, (1) that the dispute must be a real dispute capable of adjudication and (2) the person regarding whom the dispute is raised must be one in whose employment, non-employment terms of employment or conditions of labour the parties to the dispute have:

direct or substantial interest. Such a person need not be a workman but the workmen as a class or the Union should have a direct or substantial interest in sponsoring the dispute. When the workmen ceased to be members of the Union, evidently the Union cannot be said to be in any way directly or substantially interested in the dispute of such workmen. The question when a dispute should be treated as an industrial dispute when sponsored by the Union came to be considered by the Hon'ble Supreme Court in a number of cases, the last in the series being Workmen of Dharampal Premchand (Saugandhi) Vs. Dharampal Premchand (Saugandhi) reported in 1965 (I) LLJ p. 668. While explaining the observations made by their Lordships in the case of Bombay Union of Journalist Vs. The "Hindu", Bombay reported in 1961 (II) LLJ p. 436, their Lordships reiterated the fact that the membership of the worker of the Union must be a subsisting one. It only proceeded a step further so as to lay down the rule that even a general union could sponsor a dispute if there be no union of the establishment and sufficient number of workmen are members of the general union of the industry. In this case as in the case of Hindu Bombay and the earlier decisions of Central India Transport Service Ltd. Vs. Raghunath Gopal Patwardhan reported in 1957 (I) LLJ p. 27 and News Paper Ltd., Vs. S.I.T. 1957 (II) LLJ p. 1. Their Lordships re-affirmed the principle that an individual dispute of dismissal as in the instant case can become an industrial dispute "provided the claim for such a reference is supported by the union to which he belongs or by a majority of workmen". In all these cases the words used have been in present tense meaning thereby that the membership of such a workman of the Union must not only be enterior to the date of the cause of action namely, dismissal, but also at the material time of espousal. In none of these cases the question was directly in issue and perhaps this is a peculiar case by itself in which although the workmen concerned were any parallel reported case before any High Court and I could find none for gulany parafier reported case before any right court and I rotal find indie for guidance in the matter. There are cases where workmen concerned became members after dismissal and in such a case the High Courts rejected the plea that it was an industrial dispute [vide Shamshuddin Vs. State of Kerala and another, reported in 1961(I) LLJ p. 77] and Padarthy Ratnam and Co.. Vs. Industrial Tribunal reported in 1958 (II) LLJ. p. 259. There is, however, no case in which the question as is before me ever arose in any reported ruling. Be as it may, on the authority of Dimakuchi Tea Estate case and the series of cases of the Hon'ble Supreme Court ending with the Premchand Dharampal Saugandhi case the law seems to be clear that before a union could be deemed to be competent to espouse the dispute the concerned workmen must have a subsisting membership of the Union, otherwise the Union cannot be deemed to in any way directly or substantially interested in the dispute.

It may be noticed that the reference in this case was made prior to the amendment incorporated as Section 2(A) of the Act whereunder dismissal, discharge or retrenchment of an individual workman shall be deemed to be an industrial dis-The workmen, therefore, cannot take the advantage of this recent amendment.

The result is that the dispute which has been referred for adjudication does not become an industrial dispute and therefore this Tribunal has no jurisdiction to adju**dicate.** 

> Sd. /- G. C. AGARWALA, Presiding Officer, Industrial Tribunal-Cum-Labour Court (Central) Jabalpur.

> > [No. 5/29/65-LRII.]

S.O. 558.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following correction made by the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur, in pursuance of rule 28 of the Industrial Disputes (Central) Rules, 1957, in its award issued in the industrial dispute between the employers in relation to the Ramnagar Colliery, Post Office Ramnagar Colliery, District Shahdol (Madhya Pradesh) and their workmen, published with the notification of the Government of India in the Minstry of Labour, Employment and Rehabilitation, No. S.O. 8544, dated the 26th November, 1966, namely:—

In the said award:-

Delete the word "not" occurring in the last sentence of the award between the words "none of them are" and "entitled to".

Sd./- G. C. AGARWAL,

Industrial

Presiding Officer, Tribunal-cum-Labour Court (Central), Jabalpur.

[No. 5/30/65-LRII.]

S.O. 559.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, No. 2, Calcutta, in the industrial dispute between the employers in relation to the Samla Manderboni Colliery, Post Office Pandaveshwar, District Burdwan and their workmen, which was received by the Central Government on the 1st February, 1967.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, CALCUTTA

REFERENCE No. 3 OF 1966

PARTIES:

Employers in relation to the Samla Manderboni Colliery,

AND

Their workmen.

PRESENT:

Shri S. K. Sen,—Presiding Officer.

APPEARANCES:

On behalf of Employers.—Shri Jamuna Prasad (Signing compromise petition).

On behalf of Workmen.—Shri Provat Goswami, Org. Secretary, Colliery Mazdoor Union. (Signing compromise petition).

STATE: West Bengal.

INDUSTRY: Coal Mines.

#### AWARD

By Order No. 6/65/65-LRII dated 1st September, 1966, the Central Government referred for adjudication an industrial dispute between the employers in relation to the Samla Manderboni Colliery, P.O. Pandaveshwar, Dt. Burdwan, and their workmen in respect of the subject matter mentioned in the following schedule:

- "Whether the action of the management of Samla Manderboni Colliery in stopping Shri Lakshmi Bin, Sand Mixing Chamber Khalasi from work with effect from the 26th November, 1964, was an act of victimisation. If so, to what relief is the workman entitled?"
- 2. According to the case of the union, Lakshmi Bin was working at Samla Manderboni colllery as Sand Mixing Chamber Khalasi; that on 26th November, 1964, Lakshmi Bin who was working underground met with an accident and was declared fit after 11 days but then he was not allowed to resume his duties as Sand Mixing Chamber Khalasi.
- 3. According to the case of the management as set out in their written statement, Lakshmi Bin did not work as Sand Mixing Chamber Khalasi; he was working as Timber Khalasi on 26th November, 1966, when he became sick and was treated at the colliery hospital until 7th December, 1964, but he failed to report for duty on 8th December 1964 as Timber mazdoor and the management started proceedings against him for unauthorised absence. At that stage Lakshmi Bin made a representation to the Conciliation Officer and after talks before the Conciliation Officer, Lakshmi Bin resumed his duties as Timber mazdoor and worked as such on 6th, 7th and 9th January, 1965, but was again absent without leave from 11th January, 1965, so that the company had to issue a second chargesheet on 23rd January, 1965, for unauthorised absence for over 10 days; and that on this occasion also, Lakshmi Bin instead of submitting a reply to the chargesheet

made representation before the Conciliation Officer and it was settled before the Conciliation Officer on 17th February, 1965, that Lakshmi Bin should report for duty within 10 days and would be allowed to rejoin; that Lakshmi Bin failed to report for duty and thereafter the Conciliation Officer submitted a report as to the failure of the conciliation proceeding and the Government of India by letter dated 8th June, 1965, informed both the management of Samla Manderboni Colliery and the General Secretary, Colliery Mazdoor Union, Asansol, that the Government did not consider the dispute as a fit case for reference to the Industrial Tribunal. It appears that the Government of India subsequently changed its maind and made this reference and therefore the management took the ground that the reference is incompetent.

4. However, before the case proceeded to hearing, the parties appeared on 27th January, 1967, and filed a petition of compromise or settlement out of court. It is mentioned in the petition that the workman concerned, Lakshmi Bin, has received from the employer all his dues in full and final settlement and is not interested in getting back his job under the employer or in challenging further the action of the employer. In view of the history of the dispute as contained in the written statement of the management and the enclosures thereto being copies of relevant documents, it is clear that the union on behalf of the workman could not make out even a plausible case and in the circumstances the union appears to have made the best settlement by giving up claim to the job and accepting the payment of whatever compensation they could get from the management. The terms must be held to be acceptable in the view of the circumstances. This reference is, therefore, disposed in terms of the petition of settlement a copy of which is annexed.

Dated, 30th January, 1967.

Sd./- S. K. SEN, Presiding Officer,

# BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, CALCUTTA.

IN THE MATTER OF REFERENCE No. 3 of 1966

AND

IN THE MATTER OF AN INDUSTRIAL DISPUTE BETWEEN:

Employers in relation to the Samla Manderboni Colliery, P.O. Pandaveswar, Dist., Burdwan.

AND

Their Workman represented by Colliery Mazdoor Union, 27, G.T. Road, Bastin Bazar, Asansol.

The humble petition of the employers abovenamed and the workman concerned in the present reference—Most respectfully showeth:—

- 1. That the abovementioned employers and the workman have mutually settled out of court the disputes relating to the subject-matter of the present reference on the following terms:—
  - (i) that the concerned workman Laxmi Been has received from the Employer all his dues in full and final settlement and has no claim whatsoever against the Employer.
  - (ii) that the concerned workman Laxmi Been is not interested in getting back his employment with the employer and/or challenging the action of the management.
- 2. That this application is bona fide and is being filed for the purpose of maintenance of industrial peace and harmony.

In the circumstances it is humbly prayed that your honour may be graciously pleased to pass an award that no dispute exists between the parties. And for this act of kindness the parties as in duty bound shall ever pray.

Dated: 20-1-1967.

Provat Goswami, Organising Secy.

Colliery Muzdoors Union, Representing the workmen,

Jamuna Prasad,
Employers.
Laxmi Been,
Workman.
[No. 6/65/65-LRH.]

# New Delhi, the 8th February 1967

S.O. 560.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following corrections made by Shri A. N. Roy, Arburator, under rule 28 of the Industrial Disputes (Central) Rules, 1957, in the award given by him in the industrial dispute between the employers in relation to the Jhagrakhand Colliery (Private) Limited, Post Office Jhagrakhand Colliery and their workmen and published with the notification of the Government of India in the Ministry of Labour. Employment and Rehabilitation, No. S.O. 3852, dated the 8th December, 1966, namely:—

In the said award, under the heading 'Appearances';

- (i) against the item for the management:
  - after Shri G. R. Bhandari, Group Personnel Officer, Jhagrakhand Colliery, District Surguja (Madhya Pradesh), the expression "with Sri N. Chattopadhya, Welfare Officer, North Jhagrakhand Colliery, Post Office Jhagrakhand Colliery" shall be inserted,
  - (ii) against the item for the workmen:-
  - after the expression "Shri J. P. Srivastava, Vice President, Madhya Pradesh Colliery Workers' Federation, Post Office Chirimiri", the expression "with Shri N. Chattopsdhya, Welfare Officer, North Jhagrakhand Colliery, Post Office Jhagrakhand Colliery' shall be omitted.

Sd./- A. N. Roy,

Arbitrator & Regional Labour Commissioner (Central).
Ajmer,

[No. F. 8/129/66-LRII.]

New Delhi, the 13th February 1967

S.O. 561.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal No. 2 Calcutta, in the industrial dispute between the employers in relation to the Churulia Colliery. Post Office Churulia (Burdwan) and their workmen, which was received by the Central Government on the 8th February, 1967.

# CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, CALCUTTA REFERENCE NO. 104 OF 1966

# PARTIES:

Employers in relation to the Churulia Colliery,

And

Their workmen.

#### PRESENT:

Shri S. K. Sen-Presiding Officer

STATE: West Bengal.

INDUSTRY: Coal Mines.

#### AWARD

By Order No. 6/29/66-LRII, dated 16th May, 1966, the Government of India referred for adjudication an industrial dispute existing between the employers in relation to the Churulia Colliery, P.O. Churulia (Burdwan) and their workmen in respect of the matter specified in the following schedule:

"Whether the management of Churulia Colliery was justified in stopping Shri Rambrich Singh, Chaptesi from work with effect from the 11th February, 1966? If not, to what relief is the workman entitled?"

2. After written statements had been filed by both the parties a petition bearing left thumb impression of the workman concerned. Rambrich Singh, was received on 4th June, 1966. Thereafter the case was fixed for hearing on 6th February, 1967. But on 4th February, 1967, the General Secretary of the Union concerned, namely the Colliery Mazdoor Congress, Gorai Mansion, Asansol, appeared and filed a joint petition of settlement signed by the Agent of the Colliery on behalf of the employers and by an office bearer of the Union on behalf of the workman. The defence taken in the written statement of the management was that the workman concerned, Rambrich Singh, was never an

employee of the Churulia colliery but was a personal servant of the ex-manager, i.e., the previous manager who had left the service of the colliery. In his statement submitted before the Tribunal on 4th June, 1966, Rambrich Singh accepted that position and wanted to withdraw his case. It is on that basis that the petition of settlement has also been signed by the parties with the undertaking that the parties will bear their own costs.

3. Accordingly, the award is passed in terms of the petition of settlement which, along with a copy of the petition filed by Shri Rambrich Singh dated 1st June, 1966 and received by the Tribunal on 4th June, 1966, shall form part of the award.

Sd./- S. K. SEN.

Dated, the 6th February, 1967.

Presiding Officer.

BEFORE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2. 13, LINDSAY STREET, CALCUTTA-16

Ref. No. 104/66/731, dt. 9-1-67

Reference No. 104 of 1966.

PARTIES: Employers in relation to the Churulia colliery and their workmen.

The Union representing the workman in the above reference and the employers jointly beg to state.

- 1. That the workman concerned Sri Rambrich Singh has filed an application already while the reference was pending adjudication before the Central Government Industrial Tribunal, Dhanbad, intimating his intention not to proceed further with the case realising that the dispute was raised on certain misconception.
- 2. That in view of this stand taken by the workman intimated in his aforesaid representation copies of which were also forwarded by him to the union and the employers the Union considers that there is no ground for further proceeding with this case and they have approached the management for making a joint submission in this regard before the Hon'ble Tribunal.
- 3. That the management has agreed to be a party to this agreement on the assurance of the union that they will not agitate over this matter any further in future and the neither party will press for any cost of this reference.

And in view of the above submission the employer and the workmen pray;

That the reference be disposed of on terms of this compromise without any cost and an award be passed accordingly by treating the letter, dated 1st June, 1966, submitted by the workman as a part thereof a copy of which is herewith enclosed.

Dated, 3rd February, 1967.

Sd./- Illegible For Colliery Mazdoor Congress, Gorai Mansion, Asansol, For Workmen.

Sd./- Illegible, for M/s. New Churulia, Coal Co. Ltd. for employers.

# BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD

In the matter of an industrial dispute between the Employers in relation to the Churulia Colliery, P.O.-Churulia, District-Burdwan.

Their workmen represented by the Colliery Mazdoor Congress, Gorai Manslon, G.T. Road, Asansol.

The humble application submitted by Shrl Rambrich Singh the workman concerned in the above dispute most respectfully showeth

- (1) That your petitioner has realised that there is no merit in his case referred to the Honourable Tribunal.
- (2) That the applicant has further realised that he was not an employee of Churulia Colliery and his claim is misconceived and being a personal servant of the Ex-managers he cannot have any claim for being employed in the managements Colliery.

- (3) That in the circumstances aforesaid your applicant does not want to proceed with the case any further and he is also forwarding the copy of this application to the Managements and the Union sponsoring this case for their information.
- (4) The workman therefore prays that a date may be fixed for hearing of this withdrawal application in presence of the Managements and Union Representative at your earliest convenience and for this act of kindness your petitioner shall ever pray.

L.T.I. of Rambrich Singh. 1-6-66.

[No. 6/29/66-LRII.]

S.O. 562.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Busserya Colliery, Post Office Kusunda, District Dhanbad and their workmen, which was received by the Central Government on the 1st February, 1967.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD.

In the matter of Rerefence under Section 10(1) (d) of The Industrial Disputes Act, 1947.

REFERENCE No. 142 of 1966

Employers in relation to Busserya Colliery, P.O. Kusunda (Dhanbad).—Employers.

Versus

Their Workmen.--Opp. Party.

For Employers.-None.

For Workmen.-None.

PRESENT:

Shri Raj Kishore Prasad .-- Presiding Officer.

STATE: Bihar:

INDUSTRY: Coal

Camp: C-21, Hauz Khas, New Delhi, 16.

Dated, the 21st January, 1967.

#### AWARD

By its order No. 2/110/66-LR. II dated 5th October, 1966, the Government of India, Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), referred to this Tribunal for adjudication under Section 10(1) (d) of The Industrial Disputes Act, 1947, an industrial dispute existing between the employers in relation to Busserya Colliery, P.O. Kusunda, Dist., Dhanbad and, their workmen in respect of the matters specified in the Schedule of reference which is reproduced below:

#### "SCHEDULE

Whether the management of Busserya Colliery of Messrs Busserya Coal Company (Private) Limited, Post Office Kusunda, District Dhanbad, was justified in dismissing from service Shri Anil Rewani, Trammer, with effect from the 24th March, 1966? If not, to what relief is the workman entitled?"

- 2. On 16th January, 1967, a joint petition of compromise was either filed or received by post at Dhanbad and later it was sent to the Tribunal at Delhi where the Tribunal is on tour where it was received on 21st January, 1967 for being recorded.
- 3. The joint petition of compromise dated the 12th January, 1967, marked Annexure 'A', is thumb impressioned by Shri Anil Rewani, the workman concerned, and witnessed by Shri Sallendra Nath Goon. Busserya Branch Secretary, Bihar Koyla Mazdoor Sabha and also signed on behalf of the employers by Shri N. Mukherjee, Manager, and both parties jointly prayed that an award in terms of the said compromise be passed.

4. As the compromise is signed by the union's representative as well as the management's representative and also thumb impressioned by the concerned workman and all of them jointly pray that an award in terms of the said compromise be passed, I accept the compromise and record the compromise as prayed for.

- 5. The reference is accordingly disposed of in terms of the compromise, Annaxure 'A', and an award in terms of it is made and the said compromise Annaxure 'A' is made a part of the award.
- 6. This is the award which I make and submit to the Central Government under Section 15 of the Act.

Sd /- RAJ KISHORE PRASAD. Presiding Officer.

### ANNEXURE 'A'

# BEFORE THE PRESIDING OFFICER. CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD.

In the matter of Notification No. 2/110/66-LR, II.

Dated 5th October, 1966.

AND

In the matter of an Industrial Dispute.

Between:

Employer in relation to Busterya Colliery

ANI

Their Workmen.

That without prejudice to the respective contentions of the parties the above dispute has been amicably settled between the parties on the following.

#### Terms

- (1) That Sri Anil Rewani, the workman concerned in the present dispute, is no longer interested in the job in the employer's Busserya Colhery.
- (2) That the dismissal of Sri Anil Rewani with effect from 24th March, 1966, will stand.
- (3) That Sri Anil Rewani does not want to a good nor does he authorise any person or body to proceed any further in the dispute pending before the Hon'ble Tribunal regarding his reinstatement.
- (4) That Sri Anil Rewani has voluntarily received a sum of Rs. 151.78 in full and final settlement of all his claim and demand against the employers.
- (5) That in view of the above statement there is no existing dispute between Sri Anil Rewani and the employer for adjudication by the Hon'ble Tribunal.
- (6) It is, therefore, humbly prayed that the above reference may be disposed of on the terms of the compromise and an Award passed accordingly.

For Employer,

ANIL REWANI, Workman concerned, Dated 12th January, 1967.

N. Mukherjer, Manager.

Dated the 12th January,, 1967.

Witness:

Sd./- Sailendranath Goon, Busserya Branch Secretary, Bihar Koyla Mazdoor Sabha. Dated 12th January, 1967.

[No. 2/110/66-LRII.]

S.O. 563.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, No. 2 Ca cutta, in the industrial dispute between the employers in relation to the Sripur College of Loadna Colliery Company (1920) Limited, Post Office Kalipahari (Burdwan) and their workmen, which was received by the Central Government on the 8th February, 1967.

# CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NO. 2, CALCUTTA REFERENCE No. 28 of 1966

# PARTIES:

Employers in relation to the Sripur Collicry of Loadna Colliery Company (1920) Ltd.,

Their workmen.

#### PRESENT:

Shri S. K. Sen.—Presiding Officer,

#### APPEARANCES:

On behalf of employers.—Shri P. C. Chatterjee, Group Personnel Officer. On behalf of workmen.—Shri Nikhil R. Roy.

STATE: West Bengal.

INDUSTRY: Coal Mines.

#### AWARD

By Order No. 6/12/65-LRH dated 3rd May, 1965, the Government of India referred for adjudication an industrial dispute existing between the employers in relation to the Supur Colliery of Loadna Colliery Company (1920) Ltd., P.O. Kalipaham (Eurotean), and their workmen in respect of the matter specified in the following schedule:

"Whether the dismissal of the following 25 C.P. Miners of Sripur Colliery by the management of Lordina Colliery Company (1920) Ltd., with effect from the 8th November, 1961, was justified? If not, to what relief are the workmen entitled?

- Ch. Sukdeo Pashi.
- 2. Bajaram Fishi. 3. Chandi Pashi
- Bara Sukdeo Pashi.
- 5 Nankoo Pashi. 6. Jodha Khatik.

- Bhadai Khatik.
   Mohan Khatik.
   Hiralall Khatik.
- 10. Chhota Koiri. 11. Chaitu Koiri.
- 12. Johawir Koiri.13. Saw Nath Koiri.
- 14. Raghuhir Koiri.
- 15, Maiku Koiri,
- 16. Dolare Koiri. 17. Chhedi Mia. 18. Ramraj Rabidas
- 19. Pamiiwan Rabidas.
- Ramdas Rabidas.
- 21. Balgobind Koiri.
- 22. Jagarnath Ahir. 23. Ram Abatar Koiri.
- 24. Lall Khatik.
- 25. Manbodh Koiri."
- 2. Both parties filed written statements setting out their respective cases and the management pleaded inter alia that the claim of the 25 C.P. Miners was barred by limitation, estoppel and Resjudicata. The workmen were served with orders of dismissal on 8th November, 1961 and they approached the union, namely the Colliery Mazdoor Union, nearly three years thereafter. They made certain allegations direct against certain officials of the company in a petition dated 9th October, 1961 alleging that the officials had withheld a portion of their leave pay wrongfully. The management enquired into the allegations and found them baseless and served chargesheet on the workmen on 27th October, 1961. The workmen

adopted an attitude of non-cooperation in respect of enquiry proceedings and on the date fixed for enquiry they attended the company's office at Sripur but remained squatted outside the office room and did not participate in the enquiry. The enquiry was, therefore, held ex-parte and the charge was found proved and the order of dismissal was passed on 8th November, 1961. Thereafter the workmen filed a complaint to the Police against the officials of the company but the police submitted a final report, i.e., did not find the allegations proved. Thereafter the workmen filed a civil suit but the civil suit ended in dismissal. They also moved the authority under the Payment of Wages Act for alleged short payment but their application before that authority also failed. It is only thereafter that they approached the union for rellef and the union took up their case and tried conciliation proceedings and ultimately the matter was referred to the tribunal. The case was fixed for hearing on 12th December, 1966. On that day Shri N. R. Roy appearing for the union filed a petition for time to settle the dispute amicably. Accordingly an adjournment was granted. On 6th February, 1967 a joint petition of compromise signed by the parties was filed. The General Secretary of the Colliery Mazdoor Union, Sri Keshab Banerjee, having died at an accident the compromise petition on behalf of the union has been signed by the President Maitreyee Bose as well as by the Organising Secretary Provat Goswami apart from the advocate Nikhil R. Roy. On behalf of the management, the petition of compromise has been signed by the Manager as well as by the Group Personnel Officer, P. C. Chatterjee who appeared with the petition before the tribunal. By the terms of the petition of compromise all the 25 workmen will be re-employed by the management within 15 days from this date (6th February, 1967) and they will be given continuity of service, the period from the date of dismissal till the date of reinstatement being treated as 'leave without pay'.

3. The compromise must be considered favourable for the workmen, and the management must be complimented for their liberal attitude in taking back the dismissed workmen even after the history of litigation mentioned above. This case is therefore, disposed in terms of the petition of compromise a copy of which is annexed and shall form part of the award.

Parties will bear their own costs.

The 6th February, 1967.

(Sd.) S. K. SEN, Presiding Officer.

# BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL No. 2 CALCUTTA

REFERENCE No. 28 of 1966

In the matter of an Industrial dispute.

# BETWEEN

The Employers in relation to Sripur Colliery, P.O. Kalipahari (Burdwan).

Their workmen represented by Colliery Mazdoor Union, P.O. Asansol (Burdwan)

The humble petition of both the Company and the Union above named most respectfully sheweth:

- 1. That the above case is pending before this hon'ble Tribunal and both parties have filed their written statements.
- 2. That the parties have come to an amicable settlement on the following terms:—
  - (a) That all the workmen whose dismissal cases are before this hon'ble Tribunal by the above order of Reference will be reinstated in their former jobs and services in the Sripur Colliery within 15 days from the filing of the settlement petition before this hon'ble Tribunal. The said workmen will report for duty to the Group Personnel Officer of the Company within 15 days from the date filing of this settlement petition before the Tribunal.
  - (b) That the workmen covered under clause 2(a) shall have continuity of service and the period from the date of dismissal till the date of reinstatement shall be treated as leave without pay.

It is submitted by both the parties that an Award may be made in terms of the above settlement.

And for this act of kindness your petitioners as in duty bound shall ever pray.

For the Employers.

For the Workmen.

G. S. JOATLA

(Sd.) Illegible.

Manager, Lodna Colliery Co. (1920) Ltd., President.
Nikhil R. Roy,

Sripur Colliery.

(Sd.) Illegible.
Organising Secretary.

S. C. CHATTERJEE, Group Personnel Officer, Lodna Colliery Co.( 1920) Ltd.

[No. 6/12/65-LRII.]

#### ORDERS

### New Delhi, the 7th February 1967

S.O. 564.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Surakachhar Colliery of Messrs. National Coal Development Corporation Limited, Post Office Banki Mongra, District Bilaspur and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of subsection (1) of section 10 of the Industrial Disputes Act, 1947, (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Jabalpur, constituted under section 7A of the said Act.

#### SCHEDULE

Whether the dismissal of Shri G. N. Sarkar, Crane Operator-cum-Mechanic by the management of Surakachhar Colliery of M/s. National Coal Development Corporation Limited with effect from the 6th March, 1966, was justified? If not, to what relief is he entitled?

[No. 8/127/66-LR.II.]

#### New Delhi, the 8th February 1967

**S.O.** 565.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Junkundar Colliery, Post Office Chirkunda (Dhanbad) and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of subsection (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

#### SCHEDULE

Whether the action of the management of Junkundar Colliery of M/s. D Mondal & Company, Post Office Chirkunda in transferring Shri Kolla Nonia Smt. Sonia Nonia, Smt. Nagma Nonian, Smt. Basmatia Nonia, from the Junkundar Colliery to Shampur Badjma Colliery with effect from 18th April, 1966 was justified? If not, to what relief are they entitled?

[No. 2(10)/67-LR.II.]

S.O. 566.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the South Bulliary Kenduadih Colliery (Post Office Kusunda, District Dharbad) of Messrs East Indian Coal Company Limited, and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication,

Now, therefore, in exercise of the powers conferred by clause (d) of subsection (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

#### SCHEDULE

Whether the management of South Bulliary Kenduadih Colliery (Post Office Kusunda, District Dhambad) of Measure East Indian Coll Company Limited was justified in terminating the services of Shri Dhaturi Mistry, Mechanical Fitter with effect from the 24th October, 1966 of the not, to what relief is the workman entitled?

[No. 2(16)/67-LRII.]

S.O. 567.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the South Bulliary Kendundih Colliery (Post Office Kusunda District Dhanhad) of Messrs East Indian Coal Company Limited, and their workmen in respect of the matters specified in the Schedule hereto appexed.

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of subsection (1) of section 10 of the Industrial Disputes Act. 1947 (14 of 1947), the Central Government hereby refers the solid dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the sail Act.

#### SCHEPULE

Whether the management of the South Bullary Kenduadih Colliery (Post Office Kusunda, District District Office First Indian Coul Company Limited, was justified in dismissing Shrl Remabetur, M. C. Londer, 6 Pit from service with effect from the 13th October, 1966? If not, to what relief is the workman entitled?

[No. 2/17/67-LRIL]

#### New Delhi, the 19th February 1967

**S.O.** 568.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Mahabir Colliery, Post Office Raniganj, District Burdwan and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of subsection (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, No. 2 Calcutta, constituted under section 7A of the said Act.

#### SCHEDULE

Whether the management of Mahabir Colliery were justified in refusing employment to Shri Moti Mochi. Pick Miner, with effect from the 10th September, 1966—If not, to what relief is the workman entitled?

[No. 6/111/66-LRII.]

8.0. 569.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Bhowrah Colliery of Messrs Bhowrah Kankanee Collieries Limited, Post Office Bhowrah, District Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

New, therefore, in exercise of the powers conferred by clause (d) of subsection (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1-47), the Central Government hereby refers the said dispute for adjudication to the Industrial Tripungs, Dhanbad, constituted under section 7A of the said Act.

#### SCHEDULE

Whether the action of the management of Bhowrah Collicry of Messrs. Bhowrah Kankaneo Collicries Limited, Post Office Bhowrah, District Dhanbad, in refusing employment to Snei Laldhari Singh, Pump Khalasi from the 25th August, 1966, to the 15th November, 1966, was justified? If not, to what relief is the workman entitled?

[No. 2/6/67-LRII.]

\_\_\_\_\_

**S.O.** 570.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Chora Colliery, Post Office Bahula, District, Burdwan and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conformed by chaise (d) of subsection (1) of section 10 of the Industrial Disrutes Act, 1947 (14 of 1947), the Central Government hereby waters the said dispute for a Suddecation to the Industrial Tribunal, No. 2 Calcutta, constituted under section (A of the said Act.

#### SCHEDULE

Whether the dismissal of Scri Nitya Nand Mukherjee. Shot Firer, by the management of Chora Colliery, Post Office Bahula, District European with effect from the 6th April 1966 was justified? If not, to what relief is the workman entitled?

[No. 6/:07/66-LRIL]

S.O. 57%—Whereas an industrial dispute exists between the Talhari Colliery of Messrs, Ballhari Colliery Company (Private) Limited, Contrat Office, Industry Colliery, Fost Office Dialisar (Diambed), Filter, (hereinated referred to as the said Company) and their working retrevented by the Hindusten White Mazdoor Sangh, Head Office Murhdih, Part Office Mobuda, District Dhanbur, (hereinafter referred to as the Union);

And whereas, the said company and the Union have by a writer agreement in pursuance of the provisions of sub-section (1) of section 10A at the indestrial Disputes Act, 1047 (14 of 1917), referred the said dispute to the tabitation of the person specified therein, and a copy of the said arbitration agreement has been forwarded to the Central Government;

Now, therefore, in pursuance of the provisions of sub-section (3) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the said arbitration agreement, which was received by it on the 1st February, 1967.

#### Agreement

# FORM 'C'

(See Rule 6)

(Under Section 10A of the Industrial Disputes Act, 1947).

#### BETWEEN

Representing Employers.—Shri D. J. Sethia, Director, M/s. Balihari Colliery Co. (Private) Ltd., P.O. Kusunda (Dhanbad).

Representing Workmen.—Shri S. V. Acharior, General Secretary, Hindustan Khan Mazdoor Sangh, P.O. Mohuda (Dhanbad).

It is hereby agreed between the parties to refer the following industrial dispute to the arbitration of Shri N. D. Bodade, Regional Labour Commissioner (Central), Dhanbad.

(i) Specific matters in dispute:--

"Whether the management of Balihari Colliery of M/s. Balihari Colliery Co. (P), Ltd., P.O. Kusunda, Dist. Dhanbad was justified in dismissing from service Shri Rameswar Mondal, Mining Sirdar with effect from 21st November 1966? If not, to what relief is the workman concerned entitled?"

(ii) Details of the parties to the dispute including the name and address of the establishment or undertaking involved:—

Employer in relation to Balihari Colliery of M/s. Balihari Colliery Co. (P) Ltd., P.O. Kusunda, Dist. Dhanbad, and its workmen.

- (iii) Name of the union, if any representing the workmen in question:—
  Hindustan Khan Mazdoor Sangh, P.O. Mohuda, Distt. Dhanbad.
  - (iv) Total workmen employed in the undertaking affected:— 500.
- (v) Estimated number of workmen affected or likely to be affected by the dispute:—

1 (One).

We further agree that the decision of the arbitrator shall be binding on us.

The arbitrator shall make his award within a period of 3 (three) months or within such further time as is extended by mutual agreement between us in writing. In case the award is not made within the period aforementioned, the reference to arbitration shall stand automatically cancelled and we shall be free to negotiate for fresh arbitration.

Signature of the Parties:-

Representing Employer
For & on behalf of
M/s. Balihari Colliery Co. (Private) Ltd.
Sd/-

17-1-1967

(Director)

Representing Workmen

Sd/~

17-1-1967

General Secretary, Hindustan Khan Mazdoor Sangh,

P.O. Mohuda (Dhanbad).

Witnesses:-

1, Sd./- R. S. Gim 17-1-1967

2. Sd./-A. K. Roy 17-1-1967

[No. 2/18/67-LR.II.]

BALWANT SINGH, Under Secy.

# (Department of Labour & Employment)

New Delhi, the 7th February 1967

- S.O. 572.—In exercise of the powers conferred by section 88 of the Employees' State Insurance Act. 1948 (34 of 1948), the Central Government hereby exempts Shri B. R. Guota. Stenographer, a Central Government employee on deputation with Messrs Hindustan Housing Factory Ltd., New Delhi from the operation of the said Act for a further period upto and including the 14th January, 1968.
  - 2. The above exemption is subject to the following conditions, namely:-
    - (i) the aforesaid factory shall maintain a register showing the names and designation of the exempted employees; and

(ii) that, notwithstanding this exemption, the employee shall continue to receive such benefits under the said Act to which he might have qualified on the basis of contribution paid before the date of exemption

[No. F. 6/17/66-HI.]

# New Delhi, the 9th February 1967

S.O. 573.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs. Austin Electric Corporation Leach and Weborny Compound, Off Haines Road, Bombay-18 have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. 8(58)/66-PF.II.]

S.O. 574.—Whereas the Central Government is satisfied that the employees of the Small Industries Service Institute, Industrial Estate, Okhla, New Delhi, belonging to the Government of India, Ministry of Industry, are in receipt of benefits substantially similar to the benefits provided under the Employees' State Insurance Act, 1948 (34 of 1948);

Now, therefore in exercise of the powers conferred by section 90 of the Employees' State Insurance Act. 1948 (34 of 1948), the Central Government hereby exempts the above mentioned factory from all the provisions of the said Act for a further period up to and including the 13th January, 1966.

[No. F. 6(82)/65-III.]

S.O. 575.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act. 1948 (34 of 1948), the Central Government, having regard to the location of the factory in an implemented area exempts the Borstal School, Palayamkottai, belonging to the Jail Department of the Government of Madras, from the payment of the employers' special contribution leviable under Chapter VA of the said Act for a further period up to and including the 9th February, 1968.

[No. F. 6/21/65-HI.]

S.O. 567.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government, having regard to the location of the factories in implemented areas, hereby exempts the Government Automobile Workshops at Madural and Salem belonging to the Madras State Transport Department (Motor Vehicles Maintenance Organisation) from the payment of the employer's special contribution leviable under Chapter VA of the said Act for a further period upto and including the 5th January, 1968.

[No. F. 6/10/65-HL]

S.O. 577.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act. 1948 (34 of 1948), the Central Government hereby exempts, having regard to the location of the factory in an implemented area, the Public Works Department Workshop, Bhopal, from the payment of the employer's special contribution leviable under Chapter VA of the said Act for a further period upto and including the 9th January, 1968.

[No. F. 6/3/65-HI.]

#### New Delhi, the 10th February 1967

S.O. 578.—In pursuance of clause (a) of sub-section (1) of section 5A of the Employees' Provident Funds Act. 1952 (19 of 1952), the Central Government hereby appoints, with effect from the 13th February, 1967, the Secretary to the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), as the Chairman of the Board of Trustees (Central Board), and makes the following further amendment in the

notification of the Government of India in the late Department of Social Security No. S.O. 1156 dated the 1st April, 1965, namely:—

In the said notification for the entry against serial number 1, the following entry shall be substituted, namely:—

"The Secretary to the Government of India, Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), New Delhi".

[No. 12(5)63-PF-II.]

# New Delhi, the 13th February 1967

- S.O. 579.—In exercise of the powers conferred by sub-section (2) of section 5D of the Employees' Provident Funds Act, 1952 (19 of 1952), and in supersession of the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation No. S.O. 739, dated the 28th February, 1966, the Central Government here y appoints Shri N. S. Deodhar as Regional Provident Fund Commissioner for the whole of the State of Maharashtra and the Union territory of Goa, Daman and Diu to assist the Central Provident Fund Commissioner in the discharge of his duties.
- 2. This notification shall be deemed to have come into force on 17th January, 1967.

[No. 17(80)/65-PF.I(i).]

**S.O. 580.—**In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government hereby appoints Shri N. S. Deodhar to be an Inspector for the whole of the State of Maharashtra and the Union Territory of Goa, Daman and Diu for the purposes of the paid Act and of any Scheme f amed the conder, in relation to establishment belonging to or under the control of, the Central Government, or in relation to establishments connected with a railway company, a major port, a mine or an cil-field, or a controlled industry.

[No. 17(80)/65-PF. 1(ii)].

S.O. 581.—Whereas the Central Government was satisfied that Messrs John Plough Works was situated in Melur area which was a sparse area (that is an area where instrable population was less than 500) in the district of Madurai in the State of Maduras;

And, whereas by virtue of its location in a sparse area, the foresaid factory was granted exemption from the payment of the employers special contribution under section 73% of the Employees State Insurance Act, 1948 (34 of 1948) until enfo cement of the provisions of Chapter V of the Act in that area by the Central Government in the notification of the Government of India in the late Department of Social Security No. S.O. 3289 dated the 2nd September, 1964;

And, whereas the Central Government is satisfied that the insurable population of Metur area in the district of Madural in the State of Madras has now exceeded 500, and it is no longer a sparse area;

Now, therefore, in exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following further amendment in the said notification namely:—

In the Schedule appended to the said notification, in serial No. 2, the entries relating to the word "Melur" in column 3 and the entry against it in column 4 shall be omitted.

[No. F. 6/36/66-HI.]

DALJIT SINGH, Under Secy.

# (Department of Labour & Employment)

New Delhi, the 9th February 1967

8.0. 582.—In exercise of the powers conferred by sub-section (1) and (3) of section 5A of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), the Central Government hereby establishes a Dock Labour Board for the

port of Bombay to be known by the name of the Bombay Dock Labour Board and appoints the following persons as the members thereof, namely:--

Members representing the Central Government:

- (1) Shri L. M. Nadkarni, Chairman, Bombay Port Trust-Chairman.
- (2) The Regional Labour Commissioner (C), Bombay.
- (3) The State Commissioner of Labour, Bombay.
- (4) The Regional Director (Food), Bombay.
- (5) The Deputy Chairman, Bombay Dock Labour Board.

# Members representing the dock workers:

- (1) Shri M. G. Kotwal.
- (2) Shri S. R. Kulkarni, (3) Shri K. A. Khan. (4) Shrl W. T. Pinto.
- Representatives of the Transport and Dock Workers' Union.
- (5) Shrl H. N. Trivedi.
- Representative of the Bombay Stevedores' and Dock Labourers' Union.

Members representing the employers of dock workers and shipping con !ies:

- (1) Shri D. A. Dhunjiboy.
- (2) Shri S. C. Sheth.(3) Shri B. K. Duhash.
- Representatives of the Bombay Stavedores' Association Ltd.
- (4) Shri Rasiklal Har-Jeevandas-
- Representative of the Indian National Steamship Owners' Association,
- (5) Shri N. M. Mchta

Inspectors

Representative of Karmahom Conference.

2. The Central Government hereby nominates Shri L. M. Nadkarni, Chairman. Bombay Port Trust. Bombay as the Chairman of the said Loard-

[No 619/2/66-Fac.]

Ports

# New Delhi, the 10th February 1967

S.O. 583.—In exercise of the powers conferred by sub-section (1) of section 3 of the Indian Dock Labourers Act, 1934 (19 of 1934) and in supersession of all previous notifications on the subject, the Central Government hereby appoints the officers specified in column 1 of the Table below to be Inspectors for the purposes of the said Act within the limits of the ports specified in the corresponding entries in Column 2 of the said Table.

#### TABLE

mapectors.			Torts	
1			 2	
Senior Inspector Dock Safety, Bombay Inspector Dock Safety, Bombay Junior Inspector Dock Safety, Kandla Inspector Dock Safety, Mormugao Seni y Inspector Dock Safety, Madras Junior Inspector Dock Safety, Wadras, Junior Inspector Dock Safety, Visakhapa Inspector Dock Safety, Cochin Senior Inspector Dock Safety, Calcutta	tnam		 Bombay, Mormugao a. Kandla Kandla Mormugao Madras, Cochin and Visakhapatnam Visakhapatnam Cochin	nd
Inspector Dock Safety, Calcutta.	:	•	: Calcutta	

1

4

Directorate General of Pactory Admin Sauni, p tutes, Bombay.				
Director General Deputy Director General .	_		. j	Bombay,
Deputy Director General			: 1	Calcutta,
Director, Pactory Advice Service			. !	Madras, Cochin,
Deputy Directors, Factory Advice Service			. 1	Visakhapatnam,
Assistant Directors, Factory Advice Service	1			Kandla and
Inspector (Technical) .			.	Mormugao.
Inspector Dock Safety (Headquarters)	-		ر .	

[No. 67/2/67-Fac.II.]

S.O. 584.—In exercise of the powers conferred by section 6 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), and in supersession of all previous notifications on the subject, the Central Government hereby appoints the officers specified in column 1 of the Table below to be Inspectors for the purposes of the Dock Workers (Safety, Health and Welfare) Scheme, 1961, fram under the said Act, within the limits of the ports specified in the corresponding entries in Column 2 of the said Table:

#### TARLE

Inspectors					Ports
I					2
Senior Inspector Dock Safety, Bombay, Inspector Dock Safety, Bombay Junior Inspector Dock Safety, Kandla Inspector Dock Safety, Mormugao Senior Inspector Dock Safety, Madras Junior Inspector Dock Safety, Madras Junior Inspector Dock Safety, Visakhapath Inspector Dock Safety, Cochin Senior Inspector Dock Safety, Calcutta Inspector Dock Safety Inspecto	γ <sub>1</sub> , α <sub>1</sub> , α <sub>2</sub> , α <sub>3</sub> , α <sub>4</sub> , α <sub>5</sub> ,	, L	•	stitui	Bombay, Mormugao and Kandla Kandla Mormugao Madras, Cochin and Visakhapatnam. Visakhapatnam Cochin Calcutta  tes, Bombay.
Director-General Deputy Director General Director, Factory Advice Service Deputy Directors, Factory Advice Service Assistant Directors, Factory Advice Service Inspector (Technical) Inspector Dock Safety (Headquarters)				•	Bombay, Calcutta, Madras, Cochin, Visakhapatnam, Kandla and Mormugao.

[No. 67/2/67-Fac.II.]

S.O. 585.—The following draft of a scheme further to amend the Calcutta Dock Workers (Regulation of Employment) Scheme, 1956, which the Central Government proposes to make, in exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), is published, as required by the said sub-section for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 10th March, 1967.

Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be taken into consideration by the Central Government.

#### Draft Scheme

1. This Scheme may be called the Calcutta Dock Workers (Regulation of Employment) Amendment Scheme, 1967.

2. In sub-clause (1) of clause 52 of the Calcutta Dock Workers (Regulation of Employment) Scheme, 1956 after the words 'at the same time as', the words 'or earlier than' shall be inserted.

[No. 629/4/66-Fac,II.]

K. D. HAJELA, Under Secy.

# (Department of Rehabilitation)

### (Office of the Chief Settlement Commissioner)

#### ORDER

# New Delhi, the 4th February 1967

S.O. 586.—In pursuance of Rule 11-D(D)(A) of the Evacuee Interest (Separation) Rules, 1951, the Central Government makes the following order to amend the order published with the Notification of the Government of India, in the Late-Ministry of Works, Housing and Rehabilitation (Department of Rehabilitation) No. S.O. 531, dated 6th February 1964 namely:—

In the said order,

For the words and figures "31st December, 1966", the words and figures "31st March, 1967" shall be substituted.

[No. 5(24)/59-Prop.II/Comp. & Prop.]

A. G. VASWANI.

Settlement Commissioner & Ex-Officio Under Secy.

# MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 9th February 1967

S.O. 587.—In exercise of the powers conferred by Sub-section (2) of Section 5 of the Cinematograph Act 1952, the Central Government has been pleased to appoint Shri P. N. V. Rao, Deputy Principal Information Officer, Bombay, to hold charge of the post of Regional Officer, Central Board of Film Censors, Bombay, in addition to his own duties, with effect from the afternoon of 31st December, 1966, to the 26th January, 1967, vice Shrimati V. Mulay transferred to Calcutta.

INO. F. 2/34/65-FC.T.

#### New Delhi, the 10th February 1967

8.0. 588.—In exercise of the powers conferred by clause (c) of sub-section (2) of section 6 of the Cinematograph Act, 1952 (37 of 1952), the Central Government hereby directs that the exhibition of the films, the names and other details of which are given below and in respect of which certificates for public exhibition have been granted by the Central Board of Film Censors, be suspended for a period of two months with effect from the date of issue of this notification:—

Serial No.	Name of the Film	No. and Date of Certificate	Name and address of the Person in whose favour the Certificate has been granted				
1	2	3	4				
I.	America by Night (English)	1563—A Dated 14-1-1965.	Noronha Pvt. Ltd., Liberty Buildirg, 41-42, Marine Lines, Bombay-1.				
2,	Universe by Night (English)	. 1536—A Dated 10-11-1964.	Rank Film Distributors of India- Ltd., Dhannur Building, Sir Phirozshah Mehta Road, P.O. Box No. 737, Fort, Bombay-1,				
3.	Orient by Night (English)	1608—A L. Dated 18-5-1965.	M/s Goodwin Pictures, 62, Ben- tinck Street, Calcutta-1.				

<b>T</b>	2	3	4
4-	Women of the World (English)	1598—A Dated 14-4-1965.	Columbia Films of India Ltd. Metro House Mahatma Gan- dhi Road. Bombay-1.
5.	Paris Champagne (English)	. 1582—A Dated 10-3-1965.	Mudnancy Film Service, Kathoke Lodge, Main Road, Dadar, Bombay-1.
∙6.	Sweet Sweet Nights (English)	. 1644—A Dated 18-8-1965.	Noronha Private Ltd., Liberty Building, 41-42, Marine Lines Bombay-1.
7.	Tokyo by Night (English)	• 1564—A Dated 14-1-1965.	Education al Films of India (Division of Film Library Private Ltd.), 190, Dr. Dadabhai Naoroji Road, Bombay-1.
8.	Copacabana Palace (English)	· 1573→A Dated 17-2-1965.	Educational Films of Indi <sup>a</sup> (Division of Film Librar <sup>y</sup> Private Ltd.,) 190, Dr. Dad <sup>a</sup> bhai Naoroji Road, Bombay-1.
Q,	World by Night (English)	. 1168—A Dated 28-11-1961.	Warner Brothers, First Nationa Pictures Bros Cinema Buildings 42. Oueens Road Bombav-1

[No. F.9/18/65-FC.] R. K. GOVIL, Under Secy.

# MINISTRY OF PETROLEUM AND CHEMICALS

### (Department of Petroleum)

New Delhi, the 8th February 1967

- S.O. 589.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of natural gas from the premises of the Assum State Electricity Board to the Fertilizer Factory site of the Fertilizer Corporation of India at Namrup in Jeypore Mouza of Lakhimpur District in Assum State and from Naharkativa to Duliajan in the Tipling, Kheremia and Jeypore Mouzas of Lakhimput District in Assam State, pipelines should be laid by the Assam Gas Company Limited and that for the purpose of laying such pipelines, it is necessary to acquire the right of user in the land described in the Schedule annexed hereto.
- 2. Now, therefore in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 162 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.
- 3. Any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipelines under the Land to the competent authority at the Deputy Commissioner's Office. Dibrugarh. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

#### S CHEDULE

Village		Patta	Survey Plot No		Extent Area		
			No.	Bigha	/ Katha/	Lessa	
Borgadhai .	·	P. P. No. 5 P. P. No. 6 P. P. No. 6 P. P. No. 5	18 17 14	0 I 0	0 0 1	15 8 14 5	
No. 2 Chalakataki No. 1 Chalakataki		Annual Annual P. P. No. 18	6 269 270	o o	I 2 2	16 4 18	

Village		Patta No.	Sarvey Plot	Extent	Area	
			No.	Bigha/K	itha Le	ssa
No. 1 Chalaka-aki.		P. P. No. 18 P. P. No. 18 P. P. No. 18 P. P. No. 12 Abual P. P. 15 P. P. 7 P. P. 8 P. P. 44 P. P. 44 P. P. 47 Annual Annual Annual	243 2 11 267 260 257 235 220 224 223 220 334 316	0	I 0 0 1 0 0 3 2 0 0 0 0 0	12 14 2 5 10 9 12 13 14 10 15 9
N) 3 Ji2111,		. A muat P. P. To A must Annuat A must A must P. P. T P. P. T A must	19 2 83 109 57 115 45 49	0 0 0 0	0 0 0 0 1 4 2 3 2	7 0 4 3 17 3 10 7
Гэрй 13 В 141° 14° .		P. P. No. 59 P. P. No. 37 P. P. No. 37 P. P. No. 37 P. P. No. 37 P. P. No. 59 P. P. No. 57 P. P. No. 68 P. P. No. 68 P. P. No. 68 P. P. No. 33 P. P. No. 48 P. P. No. 48	1 2 3 5 7 31 36 23 26 18		2 1 3 3 4 0 0 4 3 0 1	9 16 19 5 14 5 14 6 5 1 16 16
OMTA Educe	-	. 177 MF8. 317 MF8.	2(P) 18(P)	5 1	O 2	2 4
POLITANIPADO.		P. P. 13 Steken P. P. 14 Steken P. P. 10 P. P. 30 P. P. 30 P. P. 12 Sarkar P. P. 26 Sarkar P. P. 27 P. P. 39	231(P) 200(P) 190(P) 100(P) 205(P) 206(P) 207(P) 180(P) 180(P) 180(P) 181(P) 173(P)		0 0 2 1 3 2 4 2 0 0 0 4 4 0	6 4 18 15 1 16 3 5 1 2 8 3
Sukya Giri,		Sirkir Sirkir Sirkar P. P. 54 P. P. 40 Sarkar Annu il P. P. 36	26(P 27(P 23(P 15(P 16(P 230) P 17(P 10(P		4 0 0 3 3 0 2	6 14 2 9 75 1 0
Olli Tea Estate		. 343 NLR	12(P	) 0	I	18
Fertilizer Corporation of Acquired land J	India	343 NLR	9(P	) 10	I	18
12-9-1-4 1 mm j		343 NLR	11(	P) o	0	14

Village	Patta No.	Survey		Ext	ent A	\rca
			No.	Bigha/I	Katha	Lessa/
Assam State Electricity Board Acquired land		, , , , , , , , , , , , , , , , , , ,	8(P)	0		
required land	. P. P. 9 P. P. 6		7(P)	0	T.	9 8
	P. P. 3		38(P)	ŏ	Ī	11
	Sarkar		25(P)	o	ō	4
	P. P. 5		37(P)		1	Ť
	P. P. 15		36(P)	`` o	2	Ī
	P. P.		35(P)	0	I	16
	P. P. 21		34(P)	T	I	4
	Sarkar		28(P)	Ō	I	. I
	Annual		33(P)	0	I	I
	P. P. 21		32(P)	Q	I	12
	P. P. 16		52(P)	٥	4	
	Sarkar		51(P)	0	0	
	P. P.21		50(P)	0	0	9

[No. 3/1/67-Prod.]

S.O. 590.—In pursuance of clause (a) of Section 2 of the Petroleum Pipelines. (Acquisition of Right of User in Land) Act. 1962 (50 of 1962), the Central Government hereby authorises the authority mentioned in Column (1) of the Schedulebelow to perform the functions of the competent authority under the said Act within the limits of the State mentioned in the corresponding entry in Column (3) of the said Schedule:

#### SCHEDULE

Authority	Address	Territorial Jurisdiction
Deputy Commissioner	Dibrugarh Lakhimpur District, Assam State	State of Assam
		[No. 3/1/67-Prod.]

[MO' 9/1/01-LLOG']

#### New Delhi, the 18th February 1967

S.O. 591.—Whereas by a notification of the Government of India in the Ministry of Petroleum and Chemicals S.O. No. 3722 dated the 24th November, 1966 under sub-section (1) of Section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipelines;

And, whereas the competent authority has, under sub-section (i) of section 6 of the said Act, submitted report to the Government;

And, whereas, the Central Government has after considering the said report, decided to acquire the right of user in the lands specified in the Schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right

of user in the said lands specified in the Schedule appended to this notification is hereby acquired for laying the pipelines and in exercise of the powers conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands, shall instead of vesting in the Central Government vest on the date of the publication of this declaration in the Oil and Natural Gas Commission free from all encumbrances.

# SCHEDULE Distant Broach

State-Guiarat

Diate - Oujacot				15 Str Diomen	24,	and desired wat.	
Village				 S.No.	Hectares	Arcas	
Pardi-Idris .	•			247	o — (A. o —	27 — G. Sq. Yds. 26 — 80)	

K. M. Vyas, Asstt. Llaison Officer.

Taluka- / nklest war

[No. 31/38/63/Prod./Vol.7.]C. P. JACOB, Under Secy.

# वहोलियम और रसायन मंत्र लय

(रसायंत विभाग)

### ग्राहे ज

# नहीं दिल्ली, 2 जनवरी 1967

एस० ग्रो० 592.—का०गा० प्रत्यावश्यक वस्तु ग्रिश्चितियम, 1955 (1955 का 10) की धारा 3 की उपधारा (2) के खण्ड (ग) ग्रीर (इ) के साथ पठित उसकी उपधारा (1) ब्रारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार भीषधि के.मत (सम्प्रदर्शन ग्रीर निशंत्रण) श्रादेश, 1966 का ग्रातिरिक्त संशोधन करने के लिए एतद्द्राग निम्नलिखित ग्रादेश करती है, ग्रंथित :—

- यह ब्रादेश श्रोषधि कीमत (सम्प्रदर्शन श्रोप नियंत्रण) दिनीय संशोधन श्रादेश, 1966 कहा का सकेगा ।
  - 2. श्रीषधि की सत (सम्प्रदर्शन श्रीर नियंत्रण) श्रादेश, 1966 में,---
    - (1) पैरा 2 में, खण्ड (ग) लुप्त कर दिया जाएगा;
    - (2) पैरा 10 में, "कोई निरीक्षफ" शब्दों के स्थान पर केन्द्रीय सरकार या राज्य सरकार का कोई ग्राफिसर जो उस सरकार द्वारा इस निमित प्राधिकृत हो" जब्द प्रति-स्थापित किए जाएंगे।

[पं० 18 (13)/66-पी० एच० III] बा० एस० चक्र, पंयुक्त सचिव ।